

U.S. Department of Transportation
Urban Mass Transportation Administration
Washington, D.C. 20590

CIRCULAR

UMTA C 5100.1A

January 19, 1981

SUBJECT: GRANT APPLICATION RECEIPT AND APPROVAL PROCESS

1. PURPOSE. This circular provides internal operating procedures for the receipt, distribution, and preparation of sections 3, 5, 8, 16(b)(2), and Title 23 grant and cooperative agreement applications. A standardized project approval system is included which delineates procedures for both headquarters and regional awards.
2. DEFINITION. For purposes of this circular, the terms grant and cooperative agreement are hereafter referred to as grant.
3. SCOPE. This circular applies to all UMTA headquarters and regional offices involved in administering or providing support for sections 3, 5, 8, 16(b)(2), and Title 23 grants.
4. CANCELLATION. UMTA C 5100.1, "Grant Application Receipt and Approval Process," dated 3-12-80.
5. BACKGROUND. Due to the delegation of various headquarters authorities and functions to the regional offices, a standardized method of grants administration and development actions is required to provide consistency of operations. This circular imposes specific requirements relative to UMTA's grant delivery system.

Chapter I - Sections 3, 5, 8, 16(b)(2),
and Title 23

Chapter II - Requirements and Responsibilities
to Notify States of Grant-In-Aid
Information

Appendices - Required Documents


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UMTA Regional Offices (U-X-3)

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AND
APPROVAL PROCESS

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CHAPTER I

APPLICATION CONTROL
AND
GRANT DELIVERY SYSTEM
FOR
SECTIONS 3, 5, 8, 16(b)(2), AND TITLE 23
GRANTS

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Chapter I

Applications Control and Grant Delivery System
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CHAPTER I

APPLICATION CONTROL AND GRANT DELIVERY SYSTEM
SECTIONS 3, 5, 8, 16(b)(2), and TITLE 23 GRANTS

A. GENERAL.

1. INTRODUCTION. The purpose of this chapter is to provide standard operating procedures for the receipt, distribution, and preparation of sections 3, 5, 8, and 16(b)(2), and Title 23 projects. The following procedures standardize the exchange of critical project approval information between headquarters and regional offices and provide for a predictable and controlled method of paperwork flow.
2. REFERENCES. When using this chapter, it may be necessary to consult several other resource documents which provide detailed instructions for completing various work units; e.g., entering project information into the management information system and establishing project files. Refer to the documents noted below:
 - a. UMTA 1100.17A, "Delegation of Program-Related and Administrative Authorities to Headquarters Officials."
 - b. UMTA 1100.18C, "Delegations of Authority for Regional Administrators."
 - c. UMTA 4710.1, "Internal Procedures Implementing Regional Delegations of Authority in Civil Rights."
 - d. UMTA O 2520.1, "UMTA Operating Budget System Program Funds."
 - e. UMTA 2720.1A, "UMTA Computer System User's Guide."
 - f. UMTA 9060.1, "Internal Procedures for Section 5 Operating Assistance Projects."
 - g. UMTA C 8100.1A, "Application Procedures for Technical Studies Grants."
 - h. UMTA C 5000.1A, "Internal Project Management Guidelines."

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B. REGIONAL APPROVALS.

NOTE: IT IS EXPECTED THAT ALL BUT A SELECT FEW APPLICATIONS (DESIGNATED IN REGIONAL PROGRAM PLANS) WILL BE APPROVED IN REGIONAL OFFICES.

1. APPLICATION RECEIPT.a. All Program Offices.

- 1) Applicant submits an original plus two copies of the grant application(s) to the cognizant regional office. Additional copies may be requested of the grantee if required by the Department of Labor (DOL).
- 2) Date stamp each application.
- 3) Record the following information in a Master Project Log (or card file if preferred):
 - a) Dated received
 - b) Applicant's name
 - c) UMTA funds requested (if applicable)
 - d) Type of action (grant or amendment)
- 4) Retrieve the Project Number Control Log and assign the next sequential number for this state and activity for new applications; enter original project number and amendment number for amendments; and print the number at the top of each copy of the application.
- 5) Enter the assigned project number in the Master Project Log.
- 6) For projects requiring a DOL 13(c) review, prepare "Request for Department of Labor" review form and attach two copies of the application. (For major rail and ferry projects, if additional copies are received, they should also be forwarded to DOL.) Record the date sent to DOL on the Master Project Log and in the CRT (see "MACS Reference Handbook"). Contact the action officer to obtain the projected approval timetable for the grant, as this information must be provided to DOL (see Appendix I, Exhibit A).

- 7) Enter the official project application in the computer (see UMTA C 2720.1A for data entry procedures).
- 8) The following actions are also performed at the application receipt stage:
 - a) Prepare and mail an acknowledgement postcard (UMTA 5100.1-see Appendix I, Exhibit B) to the grantee, citing the official project number, unless a form letter is to be used instead. A copy of the letter should be filed in folder #1 for references.
 - b) Prepare "File Folder #1" in accordance with UMTA C 1324.1, "Guidelines for Administration of Records and Correspondence," Chapter II, sections 4 and 5 and include a checklist of items to be handled in the approval process.
- 9) Forward official project folder #1 to the action officer (as determined by the director of the appropriate program office).
- 10) Action officer determines whether application package is complete and conducts in-depth substantive review (project justification) including site visits and coordination with headquarters offices as required. Action officer also consults with the appropriate civil rights officer to ensure the applicant's civil rights compliance. If application package is incomplete, the grantee must be notified immediately using the form either in Appendix 1, Exhibit C.

2. APPROVAL PROCESS.

a. Regional Offices.

- 1) Perform the following actions after the approval package has been typed and signed off by the action officer:
 - a) Determine availability of funds and whether project is on an approved regional program plan. For section 5 projects in UZA's of 200,000 or more population, funds must be within urbanized area limitations; funds

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must be within state limitations for section 5 projects in areas of less than 200,000 population;

- b) Prepare advance press release and approval packages (see Appendix 2). Send press release package to the Office of Public Affairs;
 - c) Enter the prevalidation of funds in the CRT (see UMTA 2720.1A), using a first-in, first-out basis, that is, prevalidating the oldest money first;
 - d) Enter the prevalidation figure on the "Project Findings and Determinations" form and sign the prevalidation block;
 - e) If applicable, enter TIP and 13(c) certification dates in the CRT; and
 - f) Forward completed approval package with folder #1 to the Office Director.
- 2) Each reviewer initials and dates the route slip and the yellow concurrence copy of the approval memo, signs the "Project Findings and Determinations" form where applicable, and forwards the package to the next reviewer. (Approval memo is signed by the recommending official.)
- 3) Regional Administrator reviews the project folders. Approving officials are to insure that funds are available for a project, insure that all entries were made into UOBS, and, assuming all other pertinent material is included, signify approval of the project by signing and dating the Approval Memorandum and the Grant Award Notification page. The approving official must also sign, but leave undated, the Grant Award Letter. The Grant Award Letter is dated with the date on which the grant is released by the Assistant Secretary for Governmental Affairs (I-1).

The date of obligation is the date on which the Regional Administrator signs the grant approval memorandum. The actual obligating document is the grant approval memorandum, which shows the date of obligation below the approving official's signature.

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The obligation date is also clearly identified on the Notification of Grant Approval. In addition, the first paragraph of the last section of each Part I, Execution of Grant, references the obligation date. The obligation date must also be stated on the Grant Award Letter.

All provisions of UMTA's Operating Budget System must be followed (see UMTA O 2520.1).

- 4) Regional Administrator returns the approval package to the appropriate staff person who:
 - a) Notifies UPA by telephone of approval date;
 - b) Enters approval date and the approved funds in the CRT adjusting the prevalidation figure if necessary (see "User's Guide");
 - c) Records the approved project budget in the CRT (see UMTA C 2720.1A);
 - d) Mails copy of the award letter and the approval memo to the Office of Accounting (UAD-20) after logging the date in the Master Project Log; and
 - e) Places the approval package in an "Awaiting UPA Release" file and awaits notification of official release date.
3. GRANT RELEASE.
- a. Headquarters. UPA transmits the official release date on the CRT as part of a daily report. UPA IS ALSO RESPONSIBLE FOR ENTERING THE RELEASE DATE INTO THE PROJECT DATA BASE.
 - b. Regions.
 - 1) Remove the approval package from the pending file and date the award letter, grant agreement, and budget with the official release date. (The approval date should already be stated.)
 - 2) Remove the SF-424 from the project folder, enter the official release date and amount awarded on the bottom, note the Master Project Log, and

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enter this information in the CRT (see UMTA C 2720.1A). Mail a copy of the SF-424 to the appropriate State and areawide clearing-house agencies and TC-1082 SCIRA within 7 days of the official release date (see Chapter II). The original SF-424 should be placed in the official project file.

- 3) Mail the award letter to the grantee, with the approved project budget, agreement execution instructions, four copies of the grant agreement, and pertinent UMTA instructional material on project administration. Note that the response time has been changed from 60 days from the date of the approval letter to 90 days from the obligation date set forth in the approval letter. If grantee is to be paid by letter of credit, the appropriate material should also be sent (see UMTA C 5000.1A). Enter mailing date in Master Project Log.
- 4) For sections 3, 5, 8, and Title 23 projects, mail one copy of the approval memo, signed award letter, approved project budget and, for section 8 grants only, the justification, OMB budget form (80-R0-186), and the supplemental budget information page to the appropriate headquarters program office. Place remaining approval package material inside the appropriate file folder.
- 5) When the grantee returns the executed agreements, three actions are taken:
 - a) The Regional Counsel reviews the signed agreements to assure they have been properly executed. (Note that for section 8 planning grants, a designated official may be authorized to execute the agreement.)
 - b) The agreement execution date is entered in the CRT (see "MACS Reference Handbook").
 - c) UAD-20 is immediately mailed a signed original of the agreement, including a copy of the Notification of Grant Approval cover sheet. Without these documents, UAD-20 cannot approve grant payments to the grantee.

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C. HEADQUARTERS APPROVALS.

WITH THE EXCEPTION OF SPECIFIC PROJECTS IDENTIFIED IN REGIONAL PROGRAM PLANS, ALL PROJECTS WILL BE APPROVED IN THE REGIONAL OFFICES. IN THE CASE OF A HEADQUARTERS APPROVAL, THE FOLLOWING PROCEDURES APPLY.

1. APPLICATION RECEIPT. Procedures remain the same as under regional approvals.
2. APPROVAL PROCESS.
 - a. Regional Offices.
 - 1) Prepare and review documents to assure correctness, and also perform the following actions:
 - a) Determine the availability of funds;
 - b) Prepare advance press release and approval packages (see Appendix 2). Send press release package to UPA;
 - c) Enter the prevalidation of funds in the CRT (see UMTA C 2720.1A), using first-in, first-out basis; that is, prevalidating the oldest money first;
 - d) Enter the prevalidation figure on the "Project Findings and Determinations" Form and sign the prevalidation block;
 - e) If applicable, enter TIP and 13(c) certification dates on the CRT; and
 - f) Forward completed approval package with folder #1 to the originating action officer.

NOTE: Operating Budget Journal-Program Funds must be maintained by each regional office as required in UMTA O 2520.1.

- 2) Action officer, after reviewing the packages, initiates internal circulation of the packages. Each regional reviewing unit initials and dates the route slip and the approval memo and concurrence yellow. The "Project Findings and Determinations" form is signed if applicable.

- 3) Regional Administrator, as the recommending official, indicates his recommendation for approval and initials and dates the route slip and yellow concurrence copy.
 - 4) Regional Administrator assures that the approval/press release packages are immediately forwarded for mailing to headquarters.
 - 5) The appropriate staff person performs the following actions:
 - a) Checks the prevalidation amount to see if it has been adjusted. If it has, all records and forms must be corrected.
 - b) Reproduces one copy of the approval/press release package to send directly to UPA.
 - c) Places approval packages into manila envelopes, retaining the original letter and contracts, and forwarding copies to headquarters to assure expeditious mailing to grantees after release. Stamps or writes "Section Approval Package" on face of envelopes.
 - d) Records mailing date in Master Project Log and the CRT.
 - e) Files duplicate approval package in "PENDING HQS APPROVAL" file.
 - f) Mails envelopes to appropriate headquarters offices. The package mailing procedures to be used (i.e., registered mail, air express, etc.) are dependent on the Regional Administrator and predetermined arrangements with headquarters.
- b. Headquarters.
- 1) OST mail room receives approval/press release packages and delivers them to the appropriate program office.
 - 2) The program office receives packages, logs in date received, immediately forwards them to the designated reviewing official, and notifies the regional office that they have been received.

- 3) Reviewing official reviews approval package, initials and dates the routing slip and yellow concurrence copy, and forwards to the appropriate Associate Administrator.
- 4) The Associate Administrator's secretary logs in the package by date and project number and places in his/her in-box.
- 5) The Associate Administrator reviews the approval package, signs the approval memo at the top, and forwards to the Executive Secretariat for review and logging prior to the Administrator's signature.
- 6) The Deputy Administrator reviews and initials the approval memo and concurrence yellow.
- 7) The Administrator reviews, signs, and dates the approval memo and concurrence yellow.
- 8) UOA-10 notifies the appropriate program office of all Administrator-signed grants after approval.
- 9) The program office picks up the approved grant, records the date in the Control Log, and maintains a copy of approval memo and approved project budget for its files.
- 10) The program office notifies the regional office by telephone of the approval by the Administrator to permit the GCA to note the Master Project Log with the approval date, and enters this date and the approved budget into the CRT. The program office also notifies UPA of the approval date. The regional clerk files the approval package in the "Awaiting UPA Release" file until UPA notifies the regional office of the release date.

3. GRANT RELEASE.

- a. Headquarters. UPA notifies the regional office and the program office of the release date on the CRT. UPA IS ALSO RESPONSIBLE FOR ENTERING THE RELEASE DATE INTO THE PROJECT DATA BASE. The program office records the date in its Control Log and mails the

approval package copy to the appropriate regional office, retaining a copy of the signed award letter for the program office files.

b. Regions.

- 1) The appropriate staff member: (a) enters the actual obligation of funds and other appropriate information in the CRT and assures that the grant approval memorandum, the grant award letter, and the grant agreement figures are identical to it; and (b) forwards the award letter, the approved project budget, and all copies of the grant agreements to the Regional Administrator.
- 2) Regional Administrator reviews to assure dollar consistency, signs the award letter and all copies of the grant agreements, and returns them to the appropriate staff member to be dated.*

*Note: Both the official release date and the approval date should be indicated in the appropriate places.

- 3) Remove the SF-424 from the project folder, enter the official release date and dollars awarded on the bottom, note the Master Project Log, and enter this information in the CRT (see UMTA C 2720.1A). Mail one copy to the appropriate State and areawide clearinghouse agencies and TC-1082 SCIRA within 7 days of official release date (see Chapter II). The original SF-424 should be placed in the project file.
- 4) Mail the award letter to the grantee, with appropriate number of grant agreements, the approved project budget, contract execution instructions, and pertinent instructional material on project administration. Enter mailing date in Master Project Log.
- 5) Mail a copy of the signed award letter to the appropriate program office; place the remaining approval package material inside the appropriate file folder.

- 6) When the grantee returns the executed agreements, three actions are taken:
 - a) The Regional Counsel reviews the signed agreements to assure they have been properly executed.
 - b) The agreement execution date is entered in the CRT (see UMTA C 2720.1A).
 - c) UAD-20 is immediately mailed a signed original of the agreement, including a copy of the Notification of Grant Approval cover sheet. Without these documents, UAD-20 cannot approve grant payments to the grantee.

Any amendments must also be entered into the CRT.

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CHAPTER II

REQUIREMENTS AND RESPONSIBILITIES
TO NOTIFY STATES OF
GRANTS-IN-AID INFORMATION

Chapter II
Notification to
States of Grants-in-Aid Information

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CHAPTER II

NOTIFICATION TO STATES OF GRANTS-IN-AID INFORMATION

A. GENERAL.

1. PURPOSE. This chapter prescribes procedures for implementing the intergovernmental information system. The procedures and responsibilities prescribed by this chapter apply to the State and areawide clearinghouse and TC-1082 SCIRA notifications of UMTA actions. This chapter does not cover OMB Circular A-95 requirements for clearinghouse review prior to grant award. For further information on pre-award review, see A-95 and reference (e) of this chapter.
2. BACKGROUND. The notification process is a reporting system that provides the states with information on the flow of Federal assistance funds. The information is derived from that listed on the SF-424, the Federal Assistance form. This form is not used for internal UMTA budgetary control. It is only used as a reporting tool, one mandated by the Office of Management and Budget and the U.S. Treasury for use by all Federal agencies.
3. REFERENCES.
 - a. OMB Circular A-102, "Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments," Attachment M.
 - b. Treasury Circular 1082, "Notification to States of Grant-in-Aid Information."
 - c. OMB Circular A-95, "Evaluation, Review, and Coordination of Federal and Federally Assisted Programs and Projects."
 - d. Section 201 of the Intergovernmental Cooperation Act of 1968 (Public Law 90-577).
 - e. "Federal and Federally Assisted Programs and Projects-FHWA and UMTA", A-95 coordination, Federal Register, Monday, August 9, 1976.

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4. APPLICABILITY. An SF-424 is required for the following reasons: (see Figure II-1)

- a. To meet the requirements of Treasury Circular 1082 (TC-1082): All UMTA grants must be reported with the exception of those grants awarded under the provisions of Section 6 of the Urban Mass Transportation Act of 1964, as amended, to private, nonprofit corporations and associations.

To notify the State Central Information Reception Agency (SCIRA): If the A-95 State clearinghouse and (TC-1082) SCIRA are the same office, and A-95 notification is required, the A-95 award notice to the State clearinghouse fulfills the TC-1082 award notice to the State SCIRA. Note that UMTA reports to the SCIRA's at the basic reporting level. This means that SF-424's are sent to the appropriate SCIRA's only for grants awarded to states or their political subdivisions.

- b. For the notification requirements of OMB Circular A-95 to State and areawide clearinghouses: The award, rejection, return for amendment, deferral, or withdrawal of grants under sections 3, 5 (Capital only), 6 (Demonstrations only), 8, and 16, and Title 23 must be reported using an SF-424. THIS INCLUDES PROJECTS LISTED IN AN APPROVED TIP/AE OR UNIFIED PLANNING WORK PROGRAM ENDORSED BY THE METROPOLITAN PLANNING ORGANIZATION.
- c. For general UMTA requirements: The SF-424 is a component of all grant applications, amendments, or withdrawals. The SF-424 is not required for procurement contracts under Section 6 and Section 8.

B. SF-424 REQUIREMENTS.

1. PROCEDURES.

- a. Use of Standard Form (SF) 424 (Federal Assistance Form) for Grant Award Notification.
- (1) Figure 1 prescribes the appropriate SF-424 distribution for each category of UMTA grant.
 - (2) Basic instructions for completing the SF-424 blocks are contained on the reverse side of the form. Additional detail is provided in Treasury Circular 1082 and OMB Circular A-95.

It is imperative in filling out the SF-424 that if an item is not applicable, "N/A" be inserted in that block. The following guidelines govern general review of the form:

- (a) Grant applications must be submitted using the SF-424. The UMTA office reviewing the application for grant award will:
 1. Verify the grantee-submitted information contained in Sections I and II, assuring that the State Application Identifier (SAI) is contained on the form. (If the SAI is not on the SF-424, call the grantee, or check the TIP/AE or UPWP if the grant is a part of either of these. (Per. A-95, paragraph 6.b., THE SAI IS MANDATORY.)
 2. Complete Section III, with the exception of Block 33, "Action Date" and Block 34, "Starting Date."
 3. Assure the accuracy of the dollar amounts entered into the CRT.
 - (b) The Federal Agency A-95 official is the Associate Administrator or Regional Administrator recommending the grant for award, or the Associate Administrator or Regional Administrator awarding the grant, depending on the appropriate delegations of authority. The Associate Administrator or Regional Administrator signs the certification required in Block 38b, Section III, prior to award of the grant if the provisions of OMB Circular A-95 apply to the grant.
- b. Use of Standard Form SF-424 for Grant Rejections, Deferrals, Withdrawals, and Returns for Amendment.
- (1) Immediately upon taking one of the above-listed actions, the responsible office enters the appropriate information into the CRT (see UMTA C 2720.1A).
 - (2) The responsible office also:
 - (a) Verifies the information submitted by the applicant in Section I;

- (b) Completes Section III in its entirety;
 - (c) Completes Block 22b, Section II, if provisions of OMB Circular A-95 apply; and
 - (d) Assures the accuracy of the dollar amounts entered into the CRT.
- (3) The Associate Administrator or Regional Administrator signs the certification required in Block 38b, Section III, at the time action is recommended to the Administrator or accomplished by the Associate Administrator or Regional Administrator if the provisions of OMB Circular A-95 apply.
- (4) Amendments to previously-approved projects that do not require additional UMTA or grantee funding or do not significantly change the scope of the project will not be reported under the provisions of this circular.
- c. External Distribution of the SF-424 for Grant Awards.

- (1) Upon notification by the Office of Public Affairs that the grant has been released, the responsible headquarters or regional office completes Blocks 33 and 34, Section III, and distributes the SF-424's to appropriate recipients as prescribed by Figure 1 of this chapter. A copy of the SF-424 must be dispatched to the State and area-wide clearinghouses and SCIRA, as appropriate, within seven working days after notification of grant release (see Figure 1). Procedures are outlined in the SF-424 instructions and further explained in Treasury Circular 1082 and OMB Circular A-95. The original SF-424 should be retained in the official project file.

For all projects approved by UMTA as submitted, despite a clearinghouse disapproval or conditional approval, UMTA must also forward an explanation of the reason for funding. The requirement under OMB Circular A-95, Part I, to notify all clearinghouses within seven working days of any major action taken on project application differs from the TC-1082 requirement to notify the State SCIRA of grant award actions within seven days. This is clearly indicated in the SF-424

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instructions (pages 3 and 4 of the SF-424). However, in cases where the A-95 State clearinghouse and the TC-1082 SCIRA are the same office, the award notice to the State clearinghouse fulfills the TC-1082 award notice requirement to the State SCIRA.

- (2) After dispatch of the SF-424, the responsible headquarters or regional office immediately codes the fields "Date SF-424 Sent" and the amount reported on the SF-424 into the CRT. This is used in UMTA's quarterly reconciliation process to OMB and Treasury.
- d. External Distribution of the SF-424 for Grant Rejections, Deferrals, Withdrawals, and Returns for Amendment.
- (1) After review, the responsible headquarters or regional office distributes the SF-424's within seven working days to the appropriate recipients as prescribed in Figure 1 of this chapter.
 - (2) After dispatch of the SF-424's, the responsible headquarters or regional office immediately codes the field "Date SF-424 Sent" and any amounts reported on the SF-424 into the CRT.
- e. Reconciliation Procedures.
- (1) On a monthly basis, a computer listing is sent by UAD-10 to the appropriate headquarters or regional program office. This listing shows all grants approved and whether or not an SF-424 has been sent. The appropriate Associate Administrator or Regional Administrator is responsible for assuring that all SF-424's required but not yet sent are sent immediately and that the date for this is accurately entered into the CRT.
 - (2) On a quarterly basis, a computer listing is used to reconcile the sum of grant obligations with an SF-424 date falling within the quarter with the cumulative program obligation amount reported to OMB on the appropriate SF-133. The Office of Management Systems, UAD-10, directs this reconciliation effort.

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(3) The quarterly report shows the following information:

- (a) Number of Grants Awarded
(Subject to TC-1082)
- (b) Dollars Awarded
- (c) Number of SF-424's Sent
- (d) Total Dollar Amounts on those SF-424's
- (e) Difference in Numbers
- (f) Difference in Dollars
- (g) Explanation of Differences
- (h) Proposed Remedy

(4) Reports of the quarterly reconciliation are forwarded by the Office of Management Systems, UAD-10, to the Departmental Office of Management Planning, M-20, within 20 calendar days following the end of the quarter.

6. RESPONSIBILITIES OF THE OFFICE OF MANAGEMENT SYSTEMS, UAD-10. The Office of Management Systems, UAD-10, is responsible for:

- a. Interface with OST and OMB with respect to A-95 and SF-424 policy;
- b. Issuing procedures for processing the SF-424;
- c. Interpreting the language of A-95 bulletins; and
- d. Sending the monthly computer listing to the appropriate program offices by the fifth working day of the following month.
- e. Monitoring quarterly reports. UAD-10 will contact those offices showing SF-424's not sent or with different amounts than the obligation amounts to determine the actions to be taken by the program offices.
- f. Preparation of the quarterly SF-424 reconciliation reports.

FEDERAL ASSISTANCE		2. APPLICANT'S APPLICATION	a. NUMBER	3. STATE APPLICATION IDENTIFIER	a. NUMBER
1. TYPE OF ACTION <input type="checkbox"/> PREAPPLICATION <input type="checkbox"/> APPLICATION (Mark appropriate box) <input type="checkbox"/> NOTIFICATION OF INTENT (Opl) <input type="checkbox"/> RLPRT OF FEDERAL ACTION		b. DATE Year month day 19			b. DATE Year month day ASSIGNED 19
4. LEGAL APPLICANT/RECIPIENT a. Applicant Name : b. Organization Unit : c. Street/P.O. Box : d. City : e. County : f. State : g. ZIP Code : h. Contact Person (Name & telephone No) :		5. FEDERAL EMPLOYER IDENTIFICATION NO. 6. PRO. GRAM (From Federal Catalog) a. NUMBER b. TITLE			
7. TITLE AND DESCRIPTION OF APPLICANT'S PROJECT		8. TYPE OF APPLICANT/RECIPIENT A-State B-Community Action Agency C-Substate D-County E-City F-School District G-Special Purpose District H-Interstate I-Higher Educational Institution J-Ind an Tribe K-Other (Specify): Enter appropriate letter <input type="checkbox"/>			
10. AREA OF PROJECT IMPACT (Names of cities, counties, States, etc.)		11. ESTIMATED NUMBER OF PERSONS BENEFITING		12. TYPE OF APPLICATION A-New B-Renewal C-Revision D-Continuation E-Augmentation Enter appropriate letter <input type="checkbox"/>	
13. PROPOSED FUNDING a. FEDERAL \$.00 b. APPLICANT .00 c. STATE .00 d. LOCAL .00 e. OTHER .00 f. TOTAL \$.00		14. CONGRESSIONAL DISTRICTS OF: a. APPLICANT b. PROJECT		15. TYPE OF CHANGE (For 1st or 1st) A-Increase Dollars B-Decrease Dollars C-Increase Duration D-Decrease Duration E-Cancellation F-Other (Specify): Enter appropriate letter(s) <input type="checkbox"/>	
20. FEDERAL AGENCY TO RECEIVE REQUEST (Name, City, State, ZIP code)		16. PROJECT START DATE Year month day 19		17. PROJECT DURATION Months Enter appropriate letter(s) <input type="checkbox"/>	
22. THE APPLICANT CERTIFIES THAT:		18. ESTIMATED DATE TO BE SUBMITTED TO FEDERAL AGENCY Year month day 19		19. EXISTING FEDERAL IDENTIFICATION NUMBER	
a. To the best of my knowledge and belief, data in this preapplication/application are true and correct, the document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurance if the assistance is approved.		b. If required by OMB Circular A-95 this application was submitted, pursuant to instructions therein, to appropriate clearinghouses and all responses are attached:		21. REMARKS ADDED <input type="checkbox"/> Yes <input type="checkbox"/> No	
(1) <input type="checkbox"/> <input type="checkbox"/> (2) <input type="checkbox"/> <input type="checkbox"/>		(1) <input type="checkbox"/> <input type="checkbox"/> (2) <input type="checkbox"/> <input type="checkbox"/>		Response attached	
23. CERTIFYING REPRESENTATIVE a. TYPED NAME AND TITLE		b. SIGNATURE		c. DATE SIGNED Year month day 19	
24. AGENCY NAME		25. APPLICATION RECEIVED 19		26. FEDERAL APPLICATION IDENTIFICATION	
26. ORGANIZATIONAL UNIT		27. ADMINISTRATIVE OFFICE		28. FEDERAL GRANT IDENTIFICATION	
29. ADDRESS		30. FEDERAL IDENTIFICATION		31. ACTION TAKEN <input type="checkbox"/> a. AWARDED <input type="checkbox"/> b. REJECTED <input type="checkbox"/> c. RETURNED FOR AMENDMENT <input type="checkbox"/> d. DEFERRED <input type="checkbox"/> e. WITHDRAWN	
32. FUNDING a. FEDERAL \$.00 b. APPLICANT .00 c. STATE .00 d. LOCAL .00 e. OTHER .00 f. TOTAL \$.00		33. ACTION DATE Year month day 19		34. STARTING DATE Year month day 19	
35. CONTACT FOR ADDITIONAL INFORMATION (Name and telephone number)		36. FEDERAL AGENCY A-95 OFFICIAL (Name and telephone no.)		35. ENDING DATE Year month day 19	
36. FEDERAL AGENCY A-95 ACTION		37. REMARKS ADDED <input type="checkbox"/> Yes <input type="checkbox"/> No		38. In taking above action, any comments received from clearinghouses were considered. If agency response is due under provisions of Part 1, OMB Circular A-95, it has been or is being made.	

SECTION I - APPLICANT/RECIPIENT DATA

SECTION II - CERTIFICATION

SECTION III - FEDERAL AGENCY ACTION

SECTION IV-REMARKS (Please reference the proper item number from Sections I, II or III, if applicable) JAN 19 1981

JAN 19 1981

GENERAL INSTRUCTIONS

This is a multi-purpose standard form. First, it will be used by applicants as a required facesheet for pre-applications and applications submitted in accordance with Federal Management Circular 74-7. Second, it will be used by Federal agencies to report to Clearinghouses on major actions taken on applications reviewed by clearinghouses in accordance with OMB Circular A-95. Third, it will be used by Federal agencies to notify States of grants-in-aid awarded in accordance with Treasury Circular 1082. Fourth, it may be used, on an optional basis, as a notification of intent from applicants to clearinghouses, as an early initial notice that Federal assistance is to be applied for (clearinghouse procedures will govern).

APPLICANT PROCEDURES FOR SECTION I

Applicant will complete all items in Section I. If an item is not applicable, write "NA". If additional space is needed, insert an asterisk "*", and use the remarks section on the back of the form. An explanation follows for each item:

Item		Item	
1.	Mark appropriate box. Pre-application and application guidance is in FMC 74-7 and Federal agency program instructions. Notification of intent guidance is in Circular A-95 and procedures from clearinghouse. Applicant will not use "Report of Federal Action" box.	D.	Insurance. Self explanatory.
2a.	Applicant's own control number, if desired.	E.	Other. Explain on remarks page.
2b.	Date Section I is prepared.	10.	Governmental unit where significant and meaningful impact could be observed. List only largest unit or units affected, such as State, county, or city. If entire unit affected, list it rather than subunits.
3a.	Number assigned by State clearinghouse, or if delegated by State, by arcawide clearinghouse. All requests to Federal agencies must contain this identifier if the program is covered by Circular A-95 and required by applicable State/arcawide clearinghouse procedures. If in doubt, consult your clearinghouse.	11.	Estimated number of persons directly benefiting from project.
3b.	Date applicant notified of clearinghouse identifier.	12.	Use appropriate code letter. Definitions are:
4a-4h.	Legal name of applicant/recipient, name of primary organizational unit which will undertake the assistance activity, complete address of applicant, and name and telephone number of person who can provide further information about this request.	A.	New. A submittal for the first time for a new project.
5.	Employer identification number of applicant as assigned by Internal Revenue Service.	B.	Renewal. An extension for an additional funding/budget period for a project having no projected completion date, but for which Federal support must be renewed each year.
6a.	Use Catalog of Federal Domestic Assistance number assigned to program under which assistance is requested. If more than one program (e.g., joint-funding) write "multiple" and explain in remarks. If unknown, cite Public Law or U.S. Code.	C.	Revision. A modification to project nature or scope which may result in funding change (increase or decrease).
6b.	Program title from Federal Catalog. Abbreviate if necessary.	D.	Continuation. An extension for an additional funding/budget period for a project the agency initially agreed to fund for a definite number of years.
7.	Brief title and appropriate description of project. For notification of intent, continue in remarks section if necessary to convey proper description.	E.	Augmentation. A requirement for additional funds for a project previously awarded funds in the same funding/budget period. Project nature and scope unchanged.
8.	Mostly self-explanatory. "City" includes town, township or other municipality.	13.	Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions will be included. If the action is a change in dollar amount of an existing grant (a revision or augmentation), indicate only the amount of the change. For decreases enclose the amount in parentheses. If both basic and supplemental amounts are included, breakout in remarks. For multiple program funding, use totals and show program breakouts in remarks. Item definitions: 13a, amount requested from Federal Government; 13b, amount applicant will contribute; 13c, amount from State, if applicant is not a State; 13d, amount from local government, if applicant is not a local government; 13e, amount from any other sources, explain in remarks.
9.	Check the type(s) of assistance requested. The definitions of the terms are:	14a.	Self explanatory.
A.	Basic Grant. An original request for Federal funds. This would not include any contribution provided under a supplemental grant.	14b.	The district(s) where most of actual work will be accomplished. If city-wide or State-wide, covering several districts, write "city-wide" or "State-wide."
B.	Supplemental Grant. A request to increase a basic grant in certain cases where the eligible applicant cannot supply the required matching share of the basic Federal program (e.g., grants awarded by the Appalachian Regional Commission to provide the applicant a matching share).	15.	Complete only for revisions (item 12c), or augmentations (item 12e).
C.	Loan. Self explanatory.		

JAN 19 1981

- Item
- 16. Approximate date project expected to begin (usually associated with estimated date of availability of funding).
 - 17. Estimated number of months to complete project after Federal funds are available.
 - 18. Estimated date preapplication/application will be submitted to Federal agency if this project requires clearinghouse review. If review not required, this date would usually be same as date in item 2b.

- Item
- 19. Existing Federal identification number if this is not a new request and directly relates to a previous Federal action. Otherwise write "NA".
 - 20. Indicate Federal agency to which this request is addressed. Street address not required, but do use ZIP.
 - 21. Check appropriate box as to whether Section IV of form contains remarks and/or additional remarks are attached.

APPLICANT PROCEDURES FOR SECTION II

Applicants will always complete items 23a, 23b, and 23c. If clearinghouse review is required, item 22b must be fully completed. An explanation follows for each item:

- | Item | Item |
|--|---|
| 22b. List clearinghouses to which submitted and show in appropriate blocks the status of their responses. For more than three clearinghouses, continue in remarks section. All written comments submitted by or through clearinghouses must be attached. | 23b. Self explanatory. |
| 23a. Name and title of authorized representative of legal applicant. | 23c. Self explanatory. |
| | Note: Applicant completes only Sections I and II. Section III is completed by Federal agencies. |

FEDERAL AGENCY PROCEDURES FOR SECTION III

If applicant-supplied information in Sections I and II needs no updating or adjustment to fit the final Federal action, the Federal agency will complete Section III only. An explanation for each item follows:

- | Item | Item |
|--|---|
| 24. Executive department or Independent agency having program administration responsibility. | 35. Name and telephone no. of agency person who can provide more information regarding this assistance. |
| 25. Self explanatory. | 36. Date after which funds will no longer be available. |
| 26. Primary organizational unit below department level having direct program management responsibility. | 37. Check appropriate box as to whether Section IV of form contains Federal remarks and/or attachment of additional remarks. |
| 27. Office directly monitoring the program. | 38. For use with A-95 action notices only. Name and telephone of person who can assure that appropriate A-95 action has been taken—if same as person shown in item 35, write "same". If not applicable, write "NA". |
| 28. Use to identify non-award actions where Federal grant identifier in item 30 is not applicable or will not suffice. | |
| 29. Complete address of administering office shown in Item 26. | |
| 30. Use to identify award actions where different from Federal application identifier in item 28. | |
| 31. Self explanatory. Use remarks section to amplify where appropriate. | |
| 32. Amount to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions will be included. If the action is a change in dollar amount of an existing grant (a revision or augmentation), indicate only the amount of change. For decreases, enclose the amount in parentheses. If both basic and supplemental amounts are included, breakout in remarks. For multiple program funding, use totals and show program breakouts in remarks. Item definitions: 32a, amount awarded by Federal Government; 32b, amount applicant will contribute; 32c, amount from State, if applicant is not a State; 32d, amount from local government if applicant is not a local government; 32e, amount from any other sources, explain in remarks. | |
| 33. Date action was taken on this request. | |
| 34. Date funds will become available. | |

Federal Agency Procedures—special considerations

- A. Treasury Circular 1082 compliance. Federal agency will assure proper completion of Sections I and III. If Section I is being completed by Federal agency, all applicable items must be filled in. Addresses of State Information Reception Agencies (SCIRA's) are provided by Treasury Department to each agency. This form replaces SF 240, which will no longer be used.
- B. OMB Circular A-95 compliance. Federal agency will assure proper completion of Sections I, II, and III. This form is required for notifying all reviewing clearinghouses of major actions on all programs reviewed under A-95. Addresses of State and areawide clearinghouses are provided by OMB to each agency. Substantive differences between applicant's request and/or clearinghouse recommendations, and the project as finally awarded will be explained in A-95 notifications to clearinghouses.
- C. Special note. In most, but not all States, the A-95 State clearinghouse and the TC 1082 SCIRA are the same office. In such cases, the A-95 award notice to the State clearinghouse will fulfill the TC 1082 award notice requirement to the State SCIRA. Duplicate notification should be avoided.

SF 424 DISTRIBUTION

<u>Section</u>	<u>Program</u>	<u>State Clearinghouse (A-95)</u>	<u>Areawide Clearinghouse (A-95)</u>	<u>State Central Information Reception Agency*</u>	<u>CFDA NUMBER</u>
03	Capital Grants	X	X	X	20.500
03	Capital Loans	X	X	X	20.501
05	Formula Grants to Urbanized Areas	X	X	X	20.507
05	Formula Grants - Operat- ing Assistance to Urbanized Areas	No	No	X	20.507
06	Research and Development Grants	No	No	X	20.504
06	Urban Transportation Planning System (UTPS)	X	X	X	20.510
06	Demonstration Grants	X	X	X	20.506
08	Technical Study Grants	X	X	X	20.505
10	Managerial Training Grants	No	No	X	20.503
11	University Research and Training Grants	No	No	X	20.502
16	Elderly and Handicapped Capital Grants to Private Nonprofits	X	X	X	20.500
18	Urban Initiatives	X	X	X	20.509
23	Fed-Aid Highway Transit Capital Grants	X	X	X	20.500

*Only if awarded to a State or its political subdivision, since UMTA reports at the basic reporting level.

Figure II-1

UMTA C 5100.1A
JAN 19 1981

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JAN 19 1981

APPENDIX I
FORMS

Appendix 1
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FORMS

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JAN 9 1981

Appendix 1
Page 3

UMTA #1: No deadline or action
date specified

Director
Labor-Management Relations Services Administration
IMSA-IMRS-DED
Room N-5417
New Labor Department Building
200 Constitution Avenue, N.W.
Washington, D.C. 20210

Subject:

Dear Sir:

Enclosed are two (2) copies of the subject grant application. UMTA cannot predict a time schedule for acting upon the subject grant application. Please begin normal processing at this time. UMTA will notify you of its time schedule for action when one is established and may request, if appropriate, that you establish a time schedule for negotiations pursuant to 29 CFR 215.3(d). Please advise us of the Section 13(c) terms and conditions for inclusion in the grant contract.

Sincerely,

Regional Administrator

Enclosures

UMTA #2: Specific date identified

Director
Labor-Management Relations Services
Administration
LMSA-LMRS-DED
Room N-5417
New Labor Department Building
200 Constitution Avenue, N.W.
Washington, D.C. 20210

Subject:

Dear Sir:

Enclosed are two (2) copies of the subject grant application. UMEA's projected timetable for acting upon the subject grant is _____.

In order to meet that timetable, Department of Labor certification is requested on or about two weeks prior to that date. Please establish a time schedule for negotiations pursuant to 29 CFR 215.3(d). Please advise us of the Section 13(c) terms and conditions for inclusion in the grant contract.

Sincerely,

Regional Administrator

Enclosures

JAN 15 1981

UMTA #3: Quarter of action date
specified

Director
Labor-Management Relations Services
Administration
LMSA-IMRS-DED
Room N-5417
New Labor Department Building
200 Constitution Avenue, N.W.
Washington, D.C. 20210

Subject:

Dear Sir:

Enclosed are two (2) copies of the subject grant application. This project is programmed for action in the beginning/middle/end of _____ quarter. In order to meet that timetable, Department of Labor certification is requested on or about two weeks prior to that date. Please begin processing this application to meet that time schedule. UMTA will notify you if it is able to predict a more specific date for action upon this application. Please advise us of the Section 13(c) terms and conditions for inclusion in the grant contract.

Sincerely,

Regional Administrator

Enclosures

JAN 19 1981

UMTA #4: Follow-up specifying an
action date

Director
Labor-Management Relations Services
Administration
LMSA-LMRS-DED
Room N-5417
New Labor Department Building
200 Constitution Avenue, N.W.
Washington, D.C. 20210

Subject:

Dear Sir:

Your record will indicate that the subject grant application was sent to Department of Labor by letter dated _____. At that time UMTA could not predict a time schedule for acting upon that application. UMTA has now established _____ as its projected timetable. Please establish, if appropriate, a time schedule for negotiations pursuant to 29 CFR 215.3(d). Please advise us of the Section 13(c) terms and conditions for inclusion in the grant contract.

Sincerely,

Regional Administrator

Enclosures

UMTA #5: Project Informational Correspondence

Director
Labor-Management Relations Services
Administration
LMSA-LMRS-DED
Room N-5417
New Labor Department Building
200 Constitution Avenue, N.W.
Washington, D.C. 20210

Re: _____

ATTN: Eugenie Lafranchise

Dear Sir:

Enclosed is one copy of the subject grant application amendment. The Department of Labor certified the original project on _____. At that time, DOL made its determination that fair and equitable arrangements existed to protect the interest of employees affected by the project as required by Section 13(c) of the UMT Act of 1964, as amended.

This amendment represents _____

Therefore, we feel the nature of the amendment is such that new DOL certification is not required. If you agree, please indicate by signing the bottom of this letter and returning it to our regional office as soon as convenient.

Sincerely,

Regional Administrator

Enclosure

DOL CONCURRENCE:

BY: _____ DATE: _____

DOL NON-CONCURRENCE

BY: _____ DATE: _____

UMTA C 5100.1A

JAN 19 1981

U.S. Department of Labor

Labor-Management Services Administration
Washington, D.C. 20216

Reply to the Attention of



DOL #1: no action specified by UMTA
(Letter to Applicant, cc to URO)

RE: UMTA Application

Dear

The Department of Transportation has referred to this office the above captioned application for a grant under the Urban Mass Transportation Act of 1964, as amended, and requested the Secretary of Labor's certification that required employee protective arrangements have been made.

Our procedure for processing applications in situations where affected employees are represented by a labor organization is to expect that protective arrangements will be developed through negotiations between appropriate representatives of the grant applicant and affected employees. To facilitate such negotiations we have referred a copy of the grant application to the union/s shown on the attached list.

The person in our Division of Employee Protections responsible for processing this certification request and who is available to provide any assistance the parties may desire to facilitate the development of the required protections is
I would appreciate your advising of steps that have been taken or are planned to satisfy the employee protection requirements of the Act. can be reached by phone at (202) 357-0473 or by writing to the Division of Employee Protections, U.S. Department of Labor, Room W5417, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Sincerely,

Philip G. Riccobono
Acting Director
Office of Labor-Management
Relations Services

Enclosure

Exhibit B
Page 1 of 15

Reg A

JAN 19 1981

U.S. Department of Labor

Labor-Management Services Administration
Washington, D.C. 20216

Reply to the Attention of



DOL #1 (Letter to Union)

RE: UMTA Application

Dear

The Department of Transportation has referred to this office the above captioned application for a grant under the Urban Mass Transportation Act of 1964, as amended, and requested the Secretary of Labor's certification that required employee protective arrangements have been made.

Our procedure for processing applications in situations where affected employees are represented by a labor organization is to expect that protective arrangements will be developed through negotiations between appropriate representatives of the grant applicant and affected employees. To facilitate your review we have enclosed a copy of the grant application. A similar referral letter has been transmitted to the applicant shown on the attached list.

The person in our Division of Employee Protections responsible for processing this certification request and who is available to provide any assistance the parties may desire to facilitate the development of the required protections is
I would appreciate your advising of steps that have been taken or are planned to satisfy the employee protection requirements of the Act. can be reached by phone at (202) 357-0473 or by writing to the Division of Employee Protections, U.S. Department of Labor, Room N5417, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Sincerely,

Philip G. Riccobono
Acting Director
Office of Labor-Management
Relations Services

Enclosure

JAN 19 1981

U.S. Department of Labor

Labor-Management Services Administration
Washington, D.C. 20216

Reply to the Attention of



DOL #1 (letter to other appropriate unions)

RE: UMTA Application

Dear

The Department of Transportation has referred to this office the above captioned application for a grant under the Urban Mass Transportation Act of 1964, as amended, and requested the Secretary of Labor's certification that required employee protective arrangements have been made.

Our procedure for processing applications in situations where affected employees are represented by a labor organization is to expect that protective arrangements will be developed through negotiations between appropriate representatives of the grant applicant and affected employees. To facilitate your review we have enclosed a copy of the grant application. Similar referral letters have been transmitted to the applicant and the union/s shown on the attached list.

The person in our Division of Employee Protections responsible for processing this certification request and who is available to provide any assistance the parties may desire to facilitate the development of the required protections is
I would appreciate your advising of steps that have been taken or are planned to satisfy the employee protection requirements of the Act. can be reached by phone at (202) 357-0473 or by writing to the Division of Employee Protections, U.S. Department of Labor, Room NS417, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Sincerely,

Philip G. Riccobono
Acting Director
Office of Labor-Management
Relations Services

Enclosure

Exhibit B
Page 3 of 15

Reg Multi-V

UMTA C 5100.1A
JAN 19 1961
U.S. Department of Labor

Labor-Management Services Administration
Washington, D.C. 20216

Appendix 1
Page 12

Reply to the Attention of



DOL #2: Action date or quarter unknown by UMTA

RE: UMTA Application

Dear

The Department of Transportation has referred to this office the above captioned application for a grant under the Urban Mass Transportation Act of 1964, as amended, and requested the Secretary of Labor's certification that required employee protective arrangements have been made.

Our procedure for processing applications in situations where affected employees are represented by a labor organization is to expect that protective arrangements will be developed through negotiations between appropriate representatives of the grant applicant and affected employees. To facilitate such negotiations we have referred a copy of the grant application to the union/s shown on the attached list.

We have been advised by UMTA that it has not established a time schedule for approval of the subject application; therefore, we have not established a time schedule for certification action. If we are advised by UMTA of a desired project approval date, we will so notify you and, if appropriate, establish a time schedule for certification action.

The person in our Division of Employee Protections responsible for processing this certification request and who is available to provide any assistance the parties may desire to facilitate the development of the required protections is

Exhibit B
Page 4 of 15

NEG. A 43

JAN 19 1961

Page Two

I would appreciate your advising of steps that have been taken or are planned to satisfy the employee protection requirements of the Act. can be reached by phone at (202) 523-6495 or by writing to the Division of Employee Protections, U.S. Department of Labor, Room N5639, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Sincerely,

Philip G. Riccobono
Acting Director
Office of Labor-Management
Relations Services

Enclosure

JAN 19 1981

U.S. Department of Labor

Labor-Management Services Administration
Washington, D C 20216

Reply to the Attention of



DOL #3: action date specified

RE: UMTA Application

Dear

The Department of Transportation has referred to this office the above captioned application for a grant under the Urban Mass Transportation Act of 1964, as amended, and requested the Secretary of Labor's certification that required employee protective arrangements have been made.

Our procedure for processing applications in situations where affected employees are represented by a labor organization is to expect that protective arrangements will be developed through negotiations between appropriate representatives of the grant applicant and affected employees. To facilitate such negotiations we have referred a copy of the grant application to the union/s shown on the attached list.

UMTA has advised the Department of Labor that its projected date for approval of the subject grant is In order to attempt to conform with this projected approval date, the DOL has established a time schedule pursuant to 29CFR215.3(d) which seeks certification by In the event we are not informed by the parties that agreement has been reached on a Section 13(c) arrangement, we will be contacting you on or about to assess the progress of the negotiations and what assistance, if any, DOL can provide the parties.

JAN 19 1981

Page Two

The person in our Division of Employee Protections responsible for processing this certification request and who is available to provide any assistance the parties may desire to facilitate the development of the required protections is
I would appreciate your advising of steps that have been taken or are planned to satisfy the employee protection requirements of the Act. can be reached by phone at (202) 357-0473 or by writing to the Division of Employee Protections, U.S. Department of Labor, Room N-5417, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Sincerely,

Philip G. Riccobono
Acting Director
Office of Labor-Management
Relations Services

Enclosure

JAN 19 1981

U.S. Department of Labor

Labor-Management Services Administration
Washington D C 20216

Reply to the Attention of:



DOL #4: Quarter of action specified

RE: UMTA Application

Dear

The Department of Transportation has referred to this office the above captioned application for a grant under the Urban Mass Transportation Act of 1964, as amended, and requested the Secretary of Labor's certification that required employee protective arrangements have been made.

Our procedure for processing applications in situations where affected employees are represented by a labor organization is to expect that protective arrangements will be developed through negotiations between appropriate representatives of the grant applicant and affected employees. To facilitate such negotiations we have referred a copy of the grant application to the union/s shown on the attached list.

We have been advised by UMTA that it has not established a specific date for project approval, although it has proffered potential approval for the quarter of FY . In view of this, we have not established a specific time schedule for certification at this time. This letter will serve to put you on notice of UMTA's general time table for desired approval of the subject application. If we are advised by UMTA of a specific desired project approval date, we will so notify you and, if appropriate, establish a time schedule for our certification action.

JUN 15 1961

Page Two

The person in our Division of Employee Protections responsible for processing this certification request and who is available to provide any assistance the parties may desire to facilitate the development of the required protections is
I would appreciate your advising of steps that have been taken or are planned to satisfy the employee protection requirements of the Act. can be reached by phone at (202) 357-0473 or by writing to the Division of Employee Protections, U.S. Department of Labor, Room N5417, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Sincerely,

Philip G. Riccobono
Acting Director
Office of Labor-Management
Relations Services

Enclosure

JAN 19 1981

U.S. Department of Labor

Labor-Management Services Administration
Washington, D.C. 20216

Appendix 1

Page 18

Reply to the Attention of



DOL #5: DOL unable to comply

RE: UMTA Application

Dear

The Department of Transportation has referred to this office the above captioned application for a grant under the Urban Mass Transportation Act of 1964, as amended, and requested the Secretary of Labor's certification that required employee protective arrangements have been made.

Our procedure for processing applications in situations where affected employees are represented by a labor organization is to expect that protective arrangements will be developed through negotiations between appropriate representatives of the grant applicant and affected employees. To facilitate such negotiations we have referred a copy of the grant application to the union/s shown on the attached list.

UMTA has advised the DOL that it has established as a projected date for approval of the subject application. For the following reason(s), we are unable to establish a time schedule for our processing action.

U.S. Department of Labor

Labor-Management Services Administration
Washington, D.C. 20216

UMTA C 5100.1A

JAN 19 1981

Reply to the Attention of



DOL #6: DOL action where model agreement exists

RE: UMTA Application

Dear

The Department of Transportation referred to this office the above captioned grant application for general purpose operating assistance under the Urban Mass Transportation Act of 1964, as amended.

The parties have previously become party to the agreement executed on July 23, 1975, by the American Public Transit Association and transit employee labor organizations (the model agreement). The Secretary of Labor has determined that this agreement provides fair and equitable arrangements to protect the interests of employees in general purpose operating assistance project situations and meets the requirements of Section 13(c) of the Act.

Pursuant to our procedures for processing general purpose operating assistance grants involving parties already signatory to the model agreement, this will serve to advise you of our intent to certify the instant grant application on the basis of the July 23, 1975 agreement unless, within two weeks from the date of this letter, we receive notification that special circumstances are present which require changes in the model agreement or supplemental arrangements for the instant project.

If any party alleges special circumstances, we will so notify all other parties and undertake a review to determine further appropriate action on our part to process the certification request.

JAN 19 1981

Page Two

The person in our Division of Employee Protections responsible for processing this certification request and who is available to provide any assistance the parties may desire to facilitate the development of the required protections is

can be reached by phone at (202) 357-0473 or by writing to the Division of Employee Protections, U.S. Department of Labor, Room N5417, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Sincerely,

Philip G. Riccobono
Acting Director
Office of Labor-Management
Relations Services

13558

RULES AND REGULATIONS

UMTA C 5100.1A
JAN 19 1981

[4510-23]

Title 29—Labor

CHAPTER II—OFFICE OF THE ASSISTANT SECRETARY FOR LABOR-MANAGEMENT RELATIONS, DEPARTMENT OF LABOR

PART 215—GUIDELINES, SECTION 13(c), URBAN MASS TRANSPORTATION ACT OF 1974, AS AMENDED

Procedures Followed By Secretary For Determining That Fair And Equitable Arrangements Have Been Made For Protection Of Employees Affected By Assistance Under Urban Mass Transportation Act.

AGENCY: Department of Labor.

ACTION: Final Statement of Policy and Procedures.

SUMMARY: The Urban Mass Transportation Act provides, in general, that it shall be a condition of any federal financial assistance by the Department of Transportation to states and local public bodies in financing mass transportation systems, that fair and equitable arrangements must be made as determined by the Secretary of Labor, to protect the interests of employees affected by assistance in conjunction with the Secretary of Labor's role in making such determinations. In addition, Part 215 to regulations provides information concerning the Department of Labor's administrative procedure in processing applications for assistance under the Urban Mass Transportation Act, and certification by the Secretary of Labor of acceptable protective arrangements.

EFFECTIVE DATE: This part becomes effective May 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Lary F. Yud, Division of Employee Protective Services, Labor Management Services Administration, U.S. Department of Labor, Room N-2011, 200 Constitution Avenue NW, Washington, D.C. 20210, phone number 202-823-6495.

SUPPLEMENTARY INFORMATION: On January 18, 1977 there was published in the Federal Register (42 FR 3319) a notice of proposed guidelines with an amendment to 29 CFR Chapter II by adding a new Part 215. Corrections to the proposed guidelines were published on January 25, 1977 (42 FR 4452). All comments on the proposed guidelines were given due consideration.

DISCUSSION OF MAJOR COMMENTS

During the review of the comments received, certain key issues emerged and the decisions thereon and modifications, if any, to the proposed guidelines were as follows.

DEFINITIONS

A number of respondents recommended that definitions of such terms as "employees" be included in the guidelines. The purpose of the guidelines is to provide information concerning the Department of Labor's procedures in processing UMTA applications for employee protection purposes. As such, the Department has avoided to the extent possible including substantive provisions.

DOJ REFERRAL PROCEDURE

A number of comments addressed the Department's practice of referring applications to the international offices of unions representing affected employees in individual project situations. It was proposed that the guidelines provide for referral of applications to local unions. It is a common practice of labor organizations in the transit industry to provide for centralized handling of employee protection arrangements at the international union level or by organizations which are affiliations of unions. Too, the constitutions of some unions require international approval of agreements. The Department of Labor believes that coordination of employee protection arrangements through international unions and affiliations of such unions greatly facilitates the orderly and expeditious processing of UMTA applications. No change has been made from the proposed version in the final guidelines.

PROTECTIVE ARRANGEMENTS WITH STATE LAW PROHIBITS BARGAINING

Questions were raised concerning the effect of the procedure requiring the "negotiation" of protective arrangements in states where bargaining is prohibited for public employees. A number of respondents stated that under existing state law, they are unable to "bargain" protective terms and conditions and thus they feel they may be unable to comply with our guidelines. Although only a small number of applicants fall into this situation, we recognize a potential conflict here. Special procedures have been followed in the past in these cases, such as the joint development of terms and conditions by the parties which are then incorporated into a resolution adopted by the appropriate public body. The intent of our guidelines is not to force resort to such special procedures where they are necessary to satisfy the Federal statute in a manner that does not violate State

or local law. A new paragraph has been added to § 215.3 to accommodate this practice.

TIME LIMITS ON NEGOTIATIONS

The single provision which received the most comments was § 215.3(d), dealing with the setting of time limits on negotiations by the Secretary of Labor. Comments received from applicants stressed the need to establish certain fixed time limits by which certification action would be final. Comments from union organizations stressed the strain which such time limits would place on the negotiating process. The Department of Labor recognizes that the negotiation of employee protective arrangements can seem interminable if there is no effective procedure pressing for their conclusion or ultimate action by the Secretary of Labor. At the same time we are very fearful that a fixed time limit automatically applicable to every case would restrict negotiations and replace a procedure which emphasizes voluntary action by the parties with one dominated by government decision making. This becomes all the more troublesome with the realization that the establishment of fixed time limits would require the accompanying adoption of formal review standards which would drive into such questions as whether the parties had made a "good faith" attempt to reach an agreement during the time allowed. Upon review and in the face of such concerns and all available evidence we have concluded that fixed time limits should not be adopted. The record of recent case handling does not support the need for a drastic change in current procedures. Therefore, § 215.3(d) of the guidelines as proposed has been rewritten.

As rewritten, § 215.3(d) provides for the establishment of time schedules in appropriate cases. Under this procedure, the Department of Labor will notify from the Department of Transportation that the same applicant's applications are referred for certification. Information concerning the anticipated funding approval date for the subject project. As part of its initial review of an application, the Department of Labor will determine whether a time schedule should be established for the processing of the application for employee protective arrangements certification purposes. In situations where no action on a project is predictable by the Department of Transportation it is expected that no specific time schedule will be set. However, when the Department of Transportation advises that it seeks to approve a project by a certain date and absent special circumstances, the Department of Labor will establish a time schedule which to the extent possible conforms to the projected grant

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approval date. That time schedule will be included in the Department of Labor's referral letters to the parties or subsequent written communications. The parties will thereby be placed on notice of the Department of Labor's target date for the certification of the project. Prior to that date the Department of Labor will contact the parties to determine what progress is being made and to determine if the Department should become actively involved in the negotiations.

The time schedule will be continually subject to change and modification based on experience that arise during the processing. The parties can expect that the negotiating process must be pursued expeditiously and in good faith. If progress is not an imminent becoming stilled or irreconcilable issues are confronted, the Department of Labor will incorporate into the time schedule dates by which the Secretary of Labor will take alternative action, including action to certify or to deny certification of the application.

Section 215.31 has been revised to make it consistent with §215.3(d) as revised.

AMENDATORY APPLICATIONS

The action of the proposed guideline dealing with the processing of amendatory applications has been retained without modification. A number of comments were addressed to this section including one which stated that it provided interested parties the opportunity to object to the Secretary of Labor's decision prior to its implementation. We believe that the opportunity enables us to make the amendments called for in this section's comments prior to issuance. The great majority of such cases involve such forward factors for review such as cost overruns resulting from delays greater than anticipated. To open up such determinations to outside review is unnecessary and cumbersome. As we do not allow parties will be notified that if a major case decision is not furnished with copies thereon, and that the relevant material upon which those decisions were based.

COMMENTS OF RECURRING OPERATING GRANTS

In addition to the section of the guideline on time limits, the section entitled "Recertifications Based on Existing Agreements" received a great deal of attention in the comments. The purpose of this section as originally drafted was to provide some stability and longevity to protective arrangements developed for projects which were recurring in nature. Certain categories of such projects were listed and the proposed procedure would have had the Secretary of Labor reapply protective arrangements which existed in each category

unless it was determined that other action was more appropriate. A number of comments received raised questions about the specific categories of recurring grants set forth in the proposed guidelines. The existence of a "normal equipment replacement or maintenance cycle" was questioned. During our review it became obvious that the categorization of projects into recurring grants was fraught with difficulty and conflict.

In an effort to determine the necessity for this proposed procedure, the Department of Labor has reviewed all certification activity for the twelve-month period, January through December, 1977. During that period of time, the Department of Labor issued 716 certification actions. Ninety-nine of these certifications involved non-union situations, where the Department sets forth in its letter of certification all protective terms and conditions that will apply. Another 147 cases involved situations where, after review, the Department on its own initiative determined that a previous certification could be applied to revised or amendatory applications. Another 222 actions involved utilization of the so-called model agreement for operating assistance grants. Of the remaining 250 certification actions, 172 were based on the voluntary agreement of involved parties to apply the terms and conditions of previously developed protective agreements to new projects preferred to as "piggybacking". That leaves 108 cases, less than 15 percent, in which new agreements were developed. Included in these cases were many specialized projects, including some involving paratransit and cases under the Section 15 grant program.

Further in comments directed to the recurring grant section a number of respondents recommended inclusion of operating assistance grants as a recurring grant category. Such grants are obviously recurring and further constitute a special case because of the existence of the so-called model agreement for application to operating assistance grants. Moreover, the model agreement has served as the basis for some 450 certification actions on operating assistance applications over the 24 month period from January, 1976 through December, 1977. In view of the statistics cited above and the comments, which provide no support for any major change in current procedures, and the many very valid questions of interpretation raised about the recurring grant categories in the proposed guidelines, this section has been rewritten. As rewritten, the specific categories of recurring grants have been deleted as well as the provision allowing for "other categories to be determined by the Secretary" and the special procedure adopted has been limited to general purpose operating assistance grants.

NEGATIVE DECLARATION

Four respondents recommended adoption of the so-called "negative declaration" procedure for general purpose operating assistance grants. Under this proposal, the applicant would merely warrant that the project would have no adverse impact on employees. This would be in lieu of specific protective terms and conditions. A savings clause would be included in the event of unanticipated effects. The Department of Labor's previously reviewed this proposed procedure in detail and in its view it is contrary to the statute.

Accordingly, 25 CFR Chapter II is amended by adding a new Part 215 to read as follows:

- Sec.
215.1 Purpose
215.2 General
215.3 Employees Represented by a Labor Organization
215.4 Employees Not Represented by a Labor Organization
215.5 Processing of Amendatory Applications
215.6 Recurring Operating Grants and the Model Agreement
215.7 Department of Labor Contact

AUTHORITY: Secretary's Order No. 11-72, May 12, 1972.

§215.1 Purpose.

(a) The purpose of these guidelines is to provide information concerning the Department of Labor's administrative procedures in processing applications for assistance under the Urban Mass Transportation Act of 1964, as amended (hereinafter "the Act").

(b) Section 13(c) of the Act reads as follows:

It shall be a condition of any assistance under section 2 of this Act that fair and equitable arrangements be made, as determined by the Secretary of Labor, to protect the interests of employees affected by such assistance. Such protective arrangements shall include, without being limited to such provisions as may be necessary for: (1) the preservation of rights, privileges and benefits (including continuation of pension rights and benefits) under existing collective bargaining agreements or contracts; (2) the continuation of collective bargaining rights; (3) the protection of individual employees against a worsening of their positions with respect to their employment; (4) assurance of employment to employees of secured mass transportation systems and priority of reemployment of employees terminated or laid off; and (5) paid training or retraining programs. Such arrangements shall include provisions protecting against all employees against a worsening of their positions with respect to their employment which shall in no event provide benefits less than those established pursuant to section 8221(d) of the Act of February 4, 1981 (24 Stat. 319), as amended. The contract for the granting of any such assistance shall specify the terms and conditions of the protective arrangements.

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RULES AND REGULATIONS

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§215.2 General.

Upon receipt of copies of applications for Federal assistance subject to section 13(c), together with a request for the certification of employee protective arrangements from the Department of Transportation, the Department of Labor will process those applications, which may be in either preliminary or final form. To facilitate review, the section of the application dealing with labor and negotiation should estimate the effects on mass transportation employees of urban mass transportation carriers of the contemplated Federal assistance including possible impact of the assistance upon existing collective bargaining agreements, employment rights, privileges and benefits (including pensions) and the continuation of collective bargaining rights. The application should identify the labor organization, if any, representing employees of urban mass transit carriers in the area of the proposed project and describe what steps, if any, have been taken to develop the required employer protections.

§215.3 Employees represented by a labor organization.

(a)(1) If affected employees are represented by a labor organization it is expected that protective arrangements shall be the product of negotiation, pursuant to these guidelines:

(2) In instances where states or political subdivisions are subject to legal restrictions on bargaining with employee organizations, the Department of Labor will use the special procedures to satisfy the Federal statute in a manner which does not contravene state or local law. For example, employee protective terms and conditions, acceptable to both employee and applicant representatives may be incorporated into a resolution adopted by the involved local government.

(3) Upon receipt of an application involving affected employees represented by a labor organization, the Department of Labor will refer a copy of the application to that organization and notify the applicant of referral.

(4) Following referral and notification under paragraph (b) of this section, and subject to the exceptions defined in §§215.5 and 215.6, parties will be expected to engage in good faith efforts to reach mutually acceptable protective arrangements through negotiation.

(5) As part of the Department of Labor's review of an application, a time schedule for case processing will be established by the Department of Labor where appropriate. Absent special circumstances, the time schedule will be established in cases where funding approval is anticipated and will, to the extent possible, conform to the Department of Transportation's

projected time frame for funding. In situations where no action on a project by a specific time is predictable by the Department of Transportation, it is expected that no time schedule will be set by the Department of Labor. Any time schedule established by the Department of Labor will be specified in its referral letters under §215.3(a) or subsequent written communications to the parties. The parties are thereby placed on notice of the Department's target date for the certification of the project. It is expected that negotiations will be pursued expeditiously and in good faith. The Secretary will monitor progress of negotiations and in cases where negotiations break down or irreconcilable issues are present, the Department will incorporate into the time schedule dates by which the Secretary will take alternative action.

(6) The Secretary of Labor will review negotiated protective arrangements. If an arrangement meets the requirements of section 13(c), the Secretary will so certify to the Urban Mass Transportation Administrator. If the arrangement is not in conformity with the provisions of section 13(c), the Secretary may prompt parties additional time to negotiate a satisfactory agreement or he may set forth the provisions of the protective arrangement himself.

(7) If during the processing of an application the Secretary finds that the parties are unable to reach agreement, he will review the positions of the parties to determine appropriate action. Such action may include the Secretary's determination of the terms and conditions upon which he will base his certification, or his refusal to certify for specified reasons.

§215.4 Employees not represented by a labor organization.

(a) The certification made by the Secretary will afford the same level of protection to those employees who are not represented by labor organizations.

(b) If there is no labor organization representing employees the Secretary will set forth the protective terms and conditions in his letter of certification.

§215.5 Processing of amendatory applications.

When an application is supplemental to or revises or amends in material respects an application for which the Department of Labor has already certified that fair and equitable arrangements have been made to protect the interests of mass transit employees affected by the subject project, and absent unusual circumstances, the Department of Labor will on its own initiative apply to the supplemental or other amendatory application the same terms and conditions as were certified for the subject project as originally

constituted. The Department of Labor's processing of these applications will be expedited.

§215.6 Recurring Operating Grants and the Model Agreement.

(a) In instances where the Department of Labor receives general purposes operating assistance grant applications and the parties have previously endorsed the Model 13(c) Agreement (referred to also as the "National Agreement"), the Department will serve notice to the subject parties that it will certify the project on the basis of the Model Agreement unless informed within two weeks from the issuance of our letter of notice that special circumstances are presented on the project which require changes in the Model Agreement or supplemental arrangements as applied to the particular project involved. In the event the Secretary determines that changes in the Model Agreement or supplemental arrangements are required, the Secretary will direct the parties to negotiate such arrangements in accordance with the case processing procedure described in §215.3 hereof. If the Secretary determines that no special circumstances exist, he will so advise the parties and certify the project on the basis of the Model Agreement.

(b) The Model for National Agreement mentioned in paragraph (a) of this section refers to the Agreement executed on July 23, 1975 by representatives of the American Public Transit Association and the Amalgamated Transit Union and Transport Workers Union of America and on July 31, 1975 by representatives of the National Labor Executives' Association, Brotherhood of Locomotive Engineers, Brotherhood of Railway and Airway Clerks and International Association of Mechanics and Aerospace Workers. The agreement is intended to serve as a ready-made employee protective arrangement for adoption by local parties in specific operating assistance project situations. The Secretary has determined that this agreement provides fair and equitable arrangements to protect the interests of employees in general purpose operating assistance project situations and meets the requirements of Section 13(c).

§215.7 Department of Labor contact.

Questions concerning the subject matter covered by these guidelines should be addressed to the Division of Employee Protections, Labor-Management Services Administration, U.S. Department of Labor, Room N-5645, 200 Constitution Avenue NW, Washington, D.C. 20210, phone number 202-823-6495 (Secretary's Order No. 11-72 May 12, 1972.)

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Appendix 1
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Urban Mass Transportation Administration
:
:
:

Dear Applicant:

This is to confirm the receipt of your grant application requesting assistance under Section _____ of the Urban Mass Transportation Act of 1964, as amended.

For identification purposes, we have assigned UMTA project control number _____ to your request. Kindly cite this number on all future materials or inquiries relative to your application.

We look forward to working with you on this project. If you have any questions, you may contact _____ at () _____.

Form UMTA F 5100.1

Exhibit C
Page 1 of 1

Application Acknowledgement Post Card

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DEPARTMENT OF TRANSPORTATION
URBAN MASS TRANSPORTATION ADMINISTRATION
Washington, D.C. 20590

Re: Project No. _____

Dear Applicant:

We have conducted a preliminary review of the application materials you have submitted under the above referenced project and have found the following items to be missing and/or requiring clarification:

Your cooperation in immediately providing the necessary information will permit us to promptly process your request.

If you have any questions, please contact (Project Officer) at _____ and we will be happy to assist you.

Sincerely,

Form UMTA 5100.3

Exhibit D
Page 1 of 1

UMTA Application Review Letter

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SUBJECT: Proposed Award of Contract or Grant

FROM: _____

TO: Director of Public Affairs, UPA-1

The following contract or grant is proposed for award:

CONTRACT OR GRANT NUMBER: _____

ADMINISTERED BY: _____

NAME/ADDRESS OF CONTRACTOR OR GRANTEE:

Contractor or Grantee Contact for Further Information: (The contact should be the Contractor's or Grantee's public information officer.)

Name/Title: _____

Address: (if Different from above grantee address)

Phone: () _____

Amount: _____ Amount Previously Obligated: _____

Source(s) of Local Share: _____

Exhibit E
Page 1 of 2

UMTA F 101

Brief Description of Project: (Include enough information to clearly describe the project. This information is for transmission to Congressional and White House Staff. The description should be complete and well written.)

PLACE(s) OF PERFORMANCE: _____

PROJECT OFFICER AND EXTENSION: _____

PRIOR CONGRESSIONAL INTEREST BY: _____

CONGRESSIONAL NOTIFICATION TO:

Senator's Name, Party and Extension: _____

Senator's Name, Party and Extension: _____

Representative's Name, Party and Extension: _____

Representative's Name, Party and Extension: _____

Representative's Name, Party and Extension: _____

Others Requesting Notification (Mayors, local officials, etc.)

Name: _____ Title/Position _____

Telephone No. _____

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APPENDIX 2

PREPARATION AND ASSEMBLY OF UMTA
APPROVAL/PRESS RELEASE PACKAGES FOR CAPITAL AND
OPERATING PROJECTS

Appendix 2
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SECTION I

COMPONENTS OF GRANT APPROVAL PACKAGES
Sections 3 and 5, and Title 23

A. Preparation/Typing

- (1) Approval Memo. The approval memo is to be typed on standard white memo paper, plus one concurrence yellow. Be sure to correctly determine who will be approving the grant, based on the delegation of authority guidelines contained in UMTA Order 1100.18C, "Delegations of Authority for Regional Administrators." (Sample Approval Memo is in Exhibit A.)
- (2) Project Findings and Determinations. This attachment becomes part of every approval memo. The approval memo to an amendment may incorporate the Findings and Determinations by reference if there is no change from that accompanying the original agreement or previous amendment. The project number and grantee name must be typed on pages 1 and 5 (see Exhibit B).
- (3) Award Letter to the Grantee. The award letter is typed on regional office stationery, with one concurrence yellow. Copies of the sample formats for original and amended grants may be found in Exhibit C. The signature block is that of the Regional Administrator. (Not part of headquarters approval packages. Must be typed, but is retained in the Region.)
- (4) Project Budget. The budget is typed on plain bond (no yellow). Do not date (see Exhibit D).
- (5) Proposed Award of Contract or Grant (Form UMTA F 101). Prepare one form for each approval (see Appendix 1, Exhibit D).
- (6) Grant Agreement Form, "Instructions for Executing Agreements." One form should be prepared for each approval (see Exhibit E).
- (7) Routing Slip. Type the grantee's name (plus affected UZA if different from grantee) and project number, and the action officer's name. Be sure to use the correct routing slip for the size of the grant (see Exhibit F).

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- (8) Notification of Grant Agreement. This is page 1 of the standard grant agreement. The Office of Accounting, UAD-20, can provide assistance on the entries to be made in the "Identification of Sources of Federal Financial Assistance" section of the Notification of Grant Approval (see Exhibit G).
- (9) SF-424 (Financial Assistance). This should have been submitted with the application materials. If not, it should be requested when the application is received placed in File Folder #1 when received (see Chapter II of this circular).

SECTION II
ASSEMBLY OF APPROVAL PACKAGES

A. Introduction. Each approval package should contain the documents noted below. Placement within the folder is subject to the discretion of the Regional Administrator, but the following is a suggested assembly procedure (see Section I for definition of various forms and documents).

B. Assembly and Placement.

(1) The routing slip (designed by each regional office according to desired internal routing) is stapled to the outer cover of the package folder.

(2) Inside, on the left, place:

- (a) The original approval memo with yellow concurrence copy (unless the routing slip can suffice for capturing concurrence initials).
- (b) An original Project Findings and Determinations Form.
- (c) Finding of No Significant Impact, if applicable.
- (d) Labor agreement letter (13(c)).

Cover all with a plastic Executive Correspondence Sheet.

(3) Inside, on the right, place:

- (a) The award letter (original).
- (b) Original of Grant Agreement Form, "Instructions for Executing Agreements."
- (c) All copies of the grant agreement including Part I.
- (d) Original copy of the budget (to be mailed to the grantee--do not date).
- (e) Original SF-424.
- (f) Copy of TIP/AE.

Cover all with a plastic Executive Correspondence Sheet.

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- (4) In the middle, unattached to either side, clip together the following (press release package):
- (a) Two copy of the approval memo.
 - (b) Two copies of proposed budget.
 - (c) Two copies of UMTA Form 101.

SECTION III

EXHIBITS

The following sample documents represent the existing forms being used by the Office of Transit Assistance as of 10/1/80. Since they are subject to change, consult UTA to assure that proper forms are being used.

Approval - Urban Mass Transportation
Operating Assistance Grant No.

1. Designated Recipient:

Applicant:

Urbanized Area:

Population:

2. Project Description and Cost

This project is for Section 5 operating assistance to cover eligible transit operating expenses of _____ during the period _____ through _____. The project budget represents the utilization of _____ from the Section 5 formula apportionment to the urbanized area.

3. Justification

This project is consistent with and pursuant to the annual element of the TIP for the utilization of formula funds apportioned to the _____ urbanized area which was approved by UMTA on _____. The utilization of formula funds for operating assistance is consistent with the operator's immediate financial needs to improve and continue mass transportation service.

4. Recommendation

I recommend approval of this project. Funds in the maximum amount of _____ have been prevalidated under the provisions of Section 5 of the Urban Mass Transportation Act of 1964, as amended. These funds are within the limitation for this urbanized area. The required legal and administrative findings are included in the Project Findings and Determinations attachment. This attachment is herein incorporated by reference and made part of the approval memorandum.

APPROVED: _____

DATE: _____

A Sample Format for the Final Page of Approval
Memo Requiring The Administrator's Approval

5. Recommendation from Regional Administrator, to UTA-1: Based upon the information contained herein, I recommend you sign this approval memo to the Administrator. This project is included in the amended Annual Element of the Transportation Improvement Program for the area, which was approved by UMTA on June 22, 1978. The staff and project development work has been completed and the project is ready for approval.

Regional Administrator DATE: _____

6. Recommendation: I recommend approval of this grant. Funds in the amount of \$74,187,200 have been reserved for this amendment under the contract authority provisions of the UMT Act of 1964, as amended. With this fifth amendment a total of \$422,938,400 has been reserved for the project. The required legal and administrative findings are included in the Project Findings and Determinations attachment, herein incorporated by reference and made a part of the Approval Memorandum.

Associate Administrator
for Transit Assistance DATE: _____

APPROVED: _____
Administrator

OBLIGATION
DATE: _____

Attachments

The National Environmental Policy Act and UMTA's own legislation require an environmental finding to be made before a grant action can be taken. To fulfill that requirement, we have been advised by the Office of the Chief Counsel that grant approval memoranda should contain a specific environmental finding. Depending upon the type of environmental finding made, the statement to be included in the approval memorandum should be one of the following:

1. This project will significantly impact the environment and thus was the subject of a Final Environmental Impact Statement (ETS). The Final EIS completed a minimum 30 day circulation period on _____.
2. UMTA has made a Finding of No Significant Impact (FONSI - formerly termed Negative Declaration) on the environment for this project on _____.
3. This project is considered to be in a category of actions which do not have a significant impact on the environment.

The inclusion of the above findings in grant approval memoranda is a simple way for UMTA to make the required determinations.

Council on Environmental Quality (CEQ) regulations require that environmental documents be available for public inspection. In addition, UMTA is required to prepare an annual report on environmental findings. To facilitate this process, a copy of all completed FONSI's should be sent to the Office of Transit Assistance, Planning and Analysis Division, UTA-32.

Attachment to Project No. _____

PROJECT FINDINGS & DETERMINATIONS

1. Pursuant to Section 5(b)(2) of the Act, it is determined that the designated recipient involved in this project has been duly designated a recipient by the Governor, responsible local officials and publicly-owned operators of mass transportation services, in accordance with the procedures required under Section (g)(1) of the Act, and with the concurrence of the Administrator, Urban Mass Transportation Administration.
2. In accordance with Sections 3(d) and 5(i) of the Act, the grantee has submitted a certification to the effect that it:
 - (a) has afforded an adequate opportunity for public hearings pursuant to adequate prior notice, and held such hearings unless no one with a significant economic, social, or environmental interest in the matter requests a hearing;
 - (b) has considered the economic and social effects of the project and its impact on the environment, including requirements under the Clean Air Act, the Federal Water Pollution Control Act, and other applicable Federal environmental statutes, and its consistency with the goals and objectives of such urban planning as has been promulgated by the community; and
 - (c) has found that the project is consistent with official plans for the comprehensive development of the urban area.
3. Pursuant to Section 3(e) of the Act there is adequate justification for the finding that the grant assistance to be extended (1) is essential to a program, proposed or under active preparation, for a unified or officially coordinated urban transportation system as part of the comprehensively planned development of the urban area, (2) that such program to the maximum extent feasible provided for the participation of private mass transportation companies, and (3) just and adequate compensation will be paid to such companies for acquisition of their franchises or property to the extent required by applicable State or local laws.

4. Pursuant to Section 5(1) of the Act, it is determined that the project is:
 - (a) needed to carry out a program, meeting criteria established by the Secretary, Department of Transportation, for a unified or officially coordinated urban transportation system as part of the comprehensively planned development of the urban area;
 - (b) necessary for the sound, economic, and desirable development of such area;
 - (c) and that the applicant or responsible agency has the legal, financial, and technical capacity to carry out the proposed project.
5. Pursuant to Section 5(1), it is determined that the responsible public officials of the urbanized area in which the project is located have been consulted and, except for projects solely to pay subsidies for operation expenses, their views considered with respect to the corridor, location, and design of the project.
6. Pursuant to Section 5(h)(2) of the Act, it is determined that possible adverse economic, social, and environmental effects relating to the proposed project have been fully considered in developing the project, and that the final decisions on the project are made in the best overall public interest, taking into consideration the need for fast, safe, and efficient transportation, public services, and conservation of environment and natural resources, and the cost of eliminating or minimizing any such adverse effects, including:
 - (a) air, noise, and water pollution;
 - (b) destruction or disruption of manmade and natural resources, esthetic values, community cohesion, and the availability of public facilities and services;
 - (c) adverse employment effects, and tax and property value losses;
 - (d) injurious displacement of people, businesses, and farms; and

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- (e) disruption of desirable community and regional growth. The operating assistance project has been found to have no significant or adverse social, economic, or environmental impact.
7. Labor Determination. The Department of Labor has specified by letter the grant contract provisions necessary to comply with Section 13(c) of the Act. The Secretary of Labor has determined that fair and equitable arrangements have been made to protect the interest of employees affected by this assistance, as required by Section 13(c) of the Urban Mass Transportation Act of 1964, as amended. Such arrangements will be incorporated in the agreement for assistance when executed.
 8. Pursuant to Section 3(f) and (g) of the Act, the grantee has made the necessary certifications, and such certifications will be made part of the agreement for assistance.
 9. Comprehensive and Transportation Planning. In accordance with OMB and Circular A-95 and Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, the application has been submitted to the appropriate State and regional agencies by the applicant. Favorable comments from these projects have been received and are a part of the project file.

SUPPORTIVE FINDINGS

10. Pursuant to Section 5(f) of the Act, the grantee has provided satisfactory assurances that Federal funds in this project are supplementary to and not in substitution for the average amount of the State and local government funds and other transit revenues, such as advertising, concessions, and property leases, expended on the operation of mass transportation service in the area involved for the two fiscal years preceding the fiscal year for which the funds are provided.
11. Pursuant to Section 5(m) of the Act, the grantee has provided satisfactory assurances that the rates charged elderly and handicapped persons during non-peak hours for transportation utilizing or involving the facilities and equipment of the project finance with assistance under Section 5 of the Act will not exceed one-half of the rates generally applicable

to other persons at peak hours, whether the operation of such facilities and equipment is by the grantee or is by another entity under lease or otherwise.

12. Grant Guidelines - The project has been reviewed in light of the guidelines and the information contained in the application is sufficient to qualify the project for approval.

CIVIL RIGHTS REVIEW

The Regional Civil Rights Officer/Office of Civil Rights has (conditionally) certified the applicant (designated recipient) as being in compliance with all applicable UMTA civil rights application requirements.

Region _____ Equal
Opportunity Specialist

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FUND PREVALIDATION

Funds in the amount of _____ have been reserved
for
Project No. _____, for _____ UZA(s)

Region _____, Certifying Officer

OPINION OF COUNSEL

I have reviewed the application, exhibits, correspondence, and other documents in the files pertaining to this project, and I am of the opinion that both the applicant and the project are legally eligible for the grant assistance proposed to be extended.

I have also reviewed this Approval Memorandum and I am of the opinion that all of the discretionary findings and determinations required by the Act as a prerequisite to grant approval have been made and are supported by adequate legal documentation.

Regional Counsel

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PROJECT FINDINGS AND DETERMINATIONS

Section 3/Title 23

Project No. _____

1. Pursuant to Section 3(a)(1) of the Urban Mass Transportation Act of 1964, as amended, 49 U.S.C. S 1601, et seq., (Act), the applicant is a State or local public body or agency thereof, eligible to receive federal financial assistance.
2. Pursuant to Section 3(a)(1)(B) of the Act, the application contains adequate basis for the finding that the purchase of buses and related equipment or facilities cannot reasonably be financed under Section 5(a)(4) of this Act unless the Secretary has approved the project under Section 3(h).
3. Pursuant to Section 3(a)(2)(A) of the Act, there is an adequate basis for the determination that the applicant has or will have:
 - (1) the legal, financial and technical capacity to carry out the proposed project; and
 - (2) satisfactory continuing control, through operation or lease or otherwise, over the use of the facilities and equipment.
4. Pursuant to Section 3(a)(3) of the Act, that there is an adequate basis to find that the project is a part of an approved program of projects required by Section 8 of the Act.
5. In accordance with Section 3(d) of the Act, the grantee has submitted a certification that it:
 - (1) has afforded an adequate opportunity for public hearings pursuant to adequate prior notice, and held such hearings unless no one with a significant economic, social, or environmental interest in the matter requests a hearing;
 - (2) has considered the economic and social effects of the project and its impact on the environment; and
 - (3) has found that the project is consistent with official plans for the comprehensive development of the urban area.

6. Pursuant to Section 3(e) of the Act, no financial assistance is provided in competition with or supplementary to the service provided by an existing mass transportation company, unless there is adequate justification for finding that:
 - a. Financial assistance to be provided under the Act is essential to the program of projects required by Section 8 of the Act;
 - b. Such program, to the maximum extent feasible, provides for the participation of private mass transportation companies;
 - c. Just and adequate compensation will be paid to such companies for their franchises or property to the extent required by applicable state laws; and
 - d. The Secretary of Labor has certified that such assistance complies with the requirements of Section 13(c) of the Act.
7. Pursuant to Section 3(f) (charter bus) and (g) (school bus) of the Act and Section 165 of the Federal-Aid Highway Act of 1973, the grantee has made the necessary certifications, that it will not engage in charter operations outside its service area or school bus operations in competition with private school bus operators unless authorized by an agreement with UMTA and such certifications will be made a part of the contract for assistance.
8. Pursuant to Section 7 of the Act, there is adequate basis for a determination that an adequate relocation program is being carried on for families displaced by the project and that there are or will be an equal number of decent, safe and sanitary dwellings available to those displaced families and reasonably accessible to their places of employment.
9. Pursuant to Section 4(a) of the Act, there is adequate basis, pursuant to engineering studies, studies of economic feasibility, and data showing the nature and extent of expected utilization of the facilities and equipment, for the determination of "Net Project Cost."
10. Pursuant to Section 12(b)(1) of the Act, the grantee is under obligation to give UMTA and the Comptroller General

JAN 19 1981

- access to and the right to examine all records, books, papers, or documents related to the grant.
11. Pursuant to Section 13(c) of the Act, the Secretary of Labor has determined that fair and equitable arrangements have been made to protect the interest of employees affected by this assistance. The Department of Labor has specified the terms and condition of the protective arrangements necessary to protect the interests of such employees. Such terms and conditions will be incorporated in the agreement for assistance.
 12. Pursuant to Section 14(b) of the Act, the project application includes a detailed statement on:
 - (1) the environmental impact of the proposed project;
 - (2) any adverse environmental effects which cannot be avoided should the proposal be implemented;
 - (3) alternatives to the proposal be implemented; and
 - (4) any irreversible and irretrievable impact on the environment which may be involved in the proposed project should it be implemented.
 13. Based upon a full and complete review of the application and transcript of public hearings, if any, there is adequate basis to find pursuant to Section 14(c) of the Act that:
 - (1) an adequate opportunity was afforded for the presentation of views by all parties with a significant economic, social, or environmental interest, and fair consideration has been given to the preservation and enhancement of the environment and to the interest of the community in which the project is located; and
 - (2) no adverse environmental effect is likely to result from the project (or) there is likely to be adverse environmental effect from the project but there exists no feasible and prudent alternative to such effect and all reasonable steps have been taken to minimize such effect.
 14. Pursuant to Section 16 of the Act, Section 165(b) of the Federal-Aid Highway Act of 1973 and Section 504 of the Rehabilitation Act of 1973, as amended, and the Regulations

promulgated thereto there is adequate justification for the finding that to the maximum extent feasible, the project is planned and designed so that mass transportation facilities and services can be effectively utilized by elderly and handicapped persons, who, by reasons of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, including any person who is wheelchair bound or semi-ambulatory, are unable without special facilities or special planning or design to utilize such facilities and services as effectively as persons not so affected.

15. Pursuant to Section 19 of the Act, the application contains a satisfactory assurance of compliance with Title VI of the Civil Rights Act of 1964.
16. The grantee has submitted satisfactory assurances that it will comply with the regulations and requirements promulgated by the Office of Management and Budget, including but not limited to OMB Circulars A-95 and A-102.
17. Pursuant to Section 8 of the Act, the Regional Planning Division, on the basis of its review of the status of planning in the urban area, advises in the attached memorandum that comprehensive and transportation planning programming requirements have been met.
18. Pursuant to the Clean Air Act, as amended, in projects involving the purchase of rolling stock, the applicant is under obligation to require vendors of motor vehicles to provide a warranty of compliance with the air pollution criteria established by the Environmental Protection Agency.
19. Pursuant to Section 8(e) of the Act, it is determined that the project for which the assistance is sought is part of a program which encourages to the maximum extent feasible the participation of private enterprise; and furthermore, that where facilities and equipment are to be acquired which are already being used in mass transportation service in the urban area, the Applicant has provided evidence that they shall be so improved (through modernization, extension, addition, or otherwise) that they will better serve the transportation needs of the areas.

Grant Guidelines - The project has been reviewed in light of the guidelines and information contained in the application is sufficient to qualify the project for approval.

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CIVIL RIGHTS REVIEW

The Office of Civil Rights has reviewed and concurs in the application.

Regional Civil Rights Officer

DATE: _____

FUND PREVALIDATION

Funds in the amount of \$ _____ have been reserved for Project No. _____, for _____ UZA(s).

DATE: _____

Action Officer

OPINION OF COUNSEL

I have reviewed the application, exhibits, correspondence, and other documents in the files pertaining to this project, and I am of the opinion that both the applicant and the project are legally eligible for the grant assistance proposed to be extended.

I have also reviewed this Approval Memorandum and I am of the Opinion that all of the discretionary findings and determinations required by the Act as a prerequisite to grant approval can be made and are supported by adequate legal documentation and that upon approval of the project such findings and determinations will have been made.

Regional Counsel

DATE: _____

JAN 19 1981

(Grantee Name and
Address)

Re: (Project Number)

Dear (Name):

I am pleased to inform you of the approval of your application for a Federal Grant of \$ _____ to conduct a _____ project.

This project will (briefly describe the purpose and objectives of the project). The project must be carried out as described in the application (and/or work statement).

(State any restrictions on this project that the grantee should be aware of before incurring expenses.)

Enclosed are four (4) counterparts of the Notification of Grant Approval and Grant Documents executed on behalf of the Administration. Each should be executed in accordance with appropriate proceedings and certified by your Attorney. Three copies of the executed counterparts and two certified copies of the authorizing proceedings should be returned to: UMTA, Assistant Chief Counsel, UCC-30, 400 7th Street, S.W. Washington, D.C. 20590 within a ninety-day period.

In the event your Attorney is unable to make the certification because of pending legislation or litigation which might affect the prosecution of the project, the Assistant Chief Counsel, UCC-30, should be immediately notified by letter setting forth the reasons for the delay and requesting an extension of the offer.

We are looking forward to working with you in carrying out this worthwhile project.

Sincerely,

Associate Administrator for

Obligation Date _____

JAN 19 1981

APPROVED PROJECT BUDGET

Capital Grant Project No. CA-03-0132-01 - (Amendment No. _____)
 Applicant - Southern California Rapid Transit District

The project budget and corresponding cost estimates are as follows:

<u>Project Budget Line Item Code</u>	<u>Description</u>	<u>Cost</u>
10.01.44	Purchase 50 thirty-foot 31-35 passenger buses with tires and A C	\$5,300,000
10.01.05	Purchase 20 double deck buses	5,130,000
10.08.05	Relocation Services	30,000
10.01.66	Purchase 230 forty-foot 46-53 passenger buses with tires and A/C	27,416,000
10.03.04	Purchase spare components	147,870
10.02.01	Purchase of support equipment	477,094
10.02.02	Purchase of office equipment	240,533
10.02.03	Purchase of office furniture	7,200
10.02.04	Purchase of fare collection equipment	527,600
10.02.06	Purchase of surveillance/ security equipment	7,600
10.02.07	Purchase of management information equipment	1,103,500
10.02.08	Purchase of communication equipment	2,043,000
10.03.01	Purchase of maintenance vehicle	86,300
10.03.02	Purchase of maintenance tools/equipment	10,000

<u>Project Budget</u> <u>Line Item Code</u>	<u>Description</u>	<u>Cost</u>
10.04.02	Equipment renovation and improvements	276,350
10.06.90	Real estate acquisition	364,000
10.08.02	Construction management and inspection	12,000
10.08.04	Appraisal Services	8,000
10.10.00	Demolition - Division 1	20,000
10.11.20	Construction of maintenance and repair facilities	50,000
10.11.90	Construction of employee parking	175,000
10.03.04	Purchase maintenance equipment	\$160,500
10.12.00	Rehabilitation/renovation of facilities	168,750
10.15.01	Force Account - work related to equipment work related to construction	225,168
10.15.01	Force Account - Labor	46,200
10.15.03	Force Account - Materials taken from stock	34,445
10.16.00	Cost Allocation Plan	917,659
32.00.00	Contigencies	2,568,276
	ESTIMATED GROSS PROJECT COST	\$47,553,065
	Less Revenue Financing	(305,150)
	ESTIMATED NET PROJECT COST	\$47,247,915
	Federal Grant (80%)	\$37,798,332
	Local Share (20%)	\$9,449,583

INSTRUCTIONS FOR EXECUTING AGREEMENTS

Attached are four (4) copies of a Grant Agreement which have been signed on behalf of the Urban Mass Transportation Administration.

The person officially authorized by the Grantee to accept the Government's award of financial assistance should execute the Grant Agreements. This execution should be witnessed.

The attorney's certification should specify the date the Grantee authorized the execution of the Government's award. That will be the date of the resolution, ordinance, board minutes, delegation order or other "official action," not the date of execution of the Grant Agreement (unless the execution took place on the same day it was authorized).

Please return two complete copies of the executed Grant Agreements to:

Regional Counsel
Urban Mass Transportation Administration
Suite/Room
Address
City, State, Zip Code

Please also send with the Grant Agreements two certified copies of the document which authorizes execution of the award. If the execution was authorized by statute and further delegated, please be sure to cite the statute and send a copy of the delegation of authority to execute to the above address.

In the event the Grant Agreements cannot be returned within the ninety (90) day period, please notify the Regional Counsel immediately in writing setting forth the reason for delay and requesting an extension.

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INSTRUCTIONS FOR EXECUTING GRANT AGREEMENTS
WHEN THE GRANTEE IS DIFFERENT
FROM THE DESIGNATED RECIPIENT

Attached are four (4) copies of a Grant Agreement which have been signed on behalf of the Urban Mass Transportation Administration.

The person officially authorized by the Grantee to accept the Government's award of financial assistance should execute the Grant Agreements. This execution should be witnessed.

The attorney's certification should specify the date the Grantee authorized the execution of the Government's award. That will be the date of the resolution, ordinance, board minutes, delegation order or other "official action," not the date of execution of the Grant Agreement (unless the execution took place on the same day it was authorized).

Please return two complete copies of the executed Grant Agreements to:

Regional Counsel
Urban Mass Transportation Administration
Suite/Room
Address
City, State, Zip Code

Please also send with the Grant Agreements two certified copies of the document which authorizes execution of the award. If the execution was authorized by statute and further delegated, please be sure to cite the statute and send a copy of the delegation of authority to execute to the above address.

In the event the Grant Agreements cannot be returned within the ninety (90)-day period, please notify the Regional Counsel immediately in writing setting forth the reason for delay and requesting an extension.

If a Supplemental Agreement is part of the Grant Agreement, the Supplemental Agreement should be executed by both the Grantee and the Designated Recipient. Recipient's attorney should certify the execution as described above with respect to certification by the grantee's attorney.

JAN 19 1981

SECTION 3

ROUTE SLIP

Project No. _____

GRANT APPROVAL

HQS APPROVAL

Applicant _____

Section 5

Project Officer _____
Ext. _____

Office	Routing Symbol	Date Received	Date of Action	Initial
Regional Administrator		_____	_____	_____
Control Point	UTA-15	_____	_____	_____
UTA Reviewing Official	UTA-10	_____	_____	_____
Assoc. Admin.	UTA-1	_____	_____	_____
Regional Counsel/UCC-1	UCC	_____	_____	_____
Executive Sec.	UOA-10	_____	_____	_____
Administrator	UOA-1	_____	_____	_____
Control Point	UTA-15	_____	_____	_____

PROCESSING
CHECK-OFF LIST:

Date

Initial

Advance Copy of UPA

Release Procedures Initiated

Exhibit F
Page 1 of 1

UMTA C 5100.1A
JAN 19 1981

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
URBAN MASS TRANSPORTATION ADMINISTRATION

NOTIFICATION OF GRANT APPROVAL
49 U.S.C. § 1602
(SECTION 3 - CAPITAL ASSISTANCE)

Project No.

GRANTEE:

ESTIMATED TOTAL PROJECT COST:

ESTIMATED NET PROJECT COST:

MAXIMUM FEDERAL SHARE:

OBLIGATION DATE:

SOURCES OF FEDERAL FINANCIAL ASSISTANCE:

DATE OF SECTION 13(c) CERTIFICATION LETTER
FROM THE DEPARTMENT OF LABOR:

PROJECT DESCRIPTION:

DATE

REGIONAL DIRECTOR

JAN 19 1981

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
URBAN MASS TRANSPORTATION ADMINISTRATION
GRANT49 U.S.C. § 1602
(SECTION 3)

PART I

THIS GRANT, effective on the date specified in the Notification of Grant Approval is entered into by and between the United States of America ("Government") and the Grantee named in the Notification of Grant Approval.

In consideration of the mutual covenants, promises, and representations herein, the parties hereto agree as follows:

Sec. 1. Purpose of Grant - The purpose of this Grant is to provide for the undertaking of an urban mass transportation capital improvement project ("Project") with Government financial assistance to the Grantee in the form of a capital grant ("Grant"), under Section 3 of the Urban Mass Transportation Act of 1964, as amended, ("Act"), and to state the terms and conditions upon which such assistance will be provided and the manner in which the Project will be undertaken and completed and the Project facilities/equipment used.

Sec. 2. The Project - The Grantee agrees to undertake and complete the Project, and to provide for the use of the Project facilities/equipment, substantially as described in its Application, incorporated herein by reference, filed with and approved by the Government, and in accordance with the terms and conditions of this Grant. The "Project Description" on the Notification of Grant Approval describes the Project to be funded under this Grant.

Sec. 3. The Grant - In order to assist the Grantee in financing that portion of the total cost of the Project which the Department of Transportation (DOT) has determined cannot reasonably be financed from revenues of the public transportation system in which the Project facilities/equipment are to be used ("Net Project Cost"), such Net Project Cost being estimated to be that amount stated in the Notification of Grant Approval, the Government will make a Grant in an amount equal to eighty percent (80%) of the

actual Net Project Cost, as determined by DOT upon completion of the Project, or in the amount designated as Maximum Federal Share in the Notification of Grant Approval, whichever is the lesser. However, if this Grant is an Amendment to a prior Grant and if the Government's share was limited to 66 2/3% under that Grant, then that limit shall continue to apply in calculating the Government's share of the Net Project Cost as approved on the date of the original Grant and the date of any Amendment subject to such 66 2/3% limit.

The obligation of the Government to make Federal Grant payments in any fiscal year shall not exceed the amount provided in the Project Budget for the fiscal year in which requisitions therefor are submitted or drawdowns under letter of credit are made.

The Grantee agrees that it will provide from sources other than (a) Federal funds (except as may otherwise be authorized by federal statute), (b) receipts from the use of the Project facilities/equipment, or (c) revenues of the public transportation system in which such facilities/equipment are used, funds in an amount sufficient, together with the Grant, to assure payment of the actual Project Cost. The Grantee further agrees that no refund or reduction of the amount so provided will be made at any time, unless there is at the same time a refund to the Government of a proportional amount of the Grant.

Sec. 4. Use of Project Facilities/Equipment - The Grantee agrees to observe the property management standards as set forth in OMB Circular A-102, Attachment N, or OMB Circular A-110, Attachment N, as appropriate, as now or hereafter amended. Exceptions to the requirements of Attachment N must be specifically approved by UMTA. If, during the period, any Project facilities/equipment are not used in mass transportation service, whether by planned withdrawal or casualty loss, the Grantee shall immediately notify the Government and shall remit to the Government a proportional amount of the fair market value, if any, of the property, which shall be determined on the basis of the ratio of the Grant made by the Government to the actual cost of the Project. Fair market value shall be deemed to be the value of the property as determined by competent appraisal at the time of such withdrawal from use or misuse, or the net proceeds from public sale, whichever is approved by UMTA. In the event of loss due to casualty or fire, the damages paid by the insurance carrier or payable from the self-insured reserve account shall be considered fair market value. In no event is salvage value to be considered fair market value.

JAN 19 1981

The Grantee shall keep satisfactory records with regard to the use of the property and submit to the Government upon request such information as is required in order to assure compliance with this Section and shall immediately notify UMTA in all cases where Project facilities/equipment are used in a manner substantially different from that described in the Project Description. The Grantee shall maintain in amount and form satisfactory to the Government such insurance or self-insurance as will be adequate to protect Project facilities/equipment throughout the period of required use. The cost of such insurance shall not be an item of allowable cost. The Grantee shall also submit to the Government at the beginning of each calendar year during such period, a certification that the Project facilities/equipment are still being used in accordance with the terms of this Section and that no part of the local contribution to the cost of the Project has been refunded or reduced.

Sec. 5. Labor Protection - The Grantee agrees to undertake, carry out, and complete the Project under the terms and conditions determined by the Secretary of Labor to be fair and equitable to protect the interests of employees affected by the Project and meeting the requirements of section 13(c) of the Act, 49 U.S.C. § 1609(c), and Department of Labor regulations at 29 C.F.R. Part 215.

These terms and conditions are identified in the letter of certification to the Government from the Department of Labor on the date set forth in the Notification of Grant Approval, which letter and any documents cited in that letter are incorporated into this Grant by reference. The Grant is subject to the conditions stated in the Department of Labor letter.

Sec. 6. Procurement of Rolling Stock and Buses - In accordance with any guidelines issued by UMTA the Grantee shall make third party contract awards for the acquisition of rolling stock, including buses, only after consideration of performance, standardization, and life-cycle costs, in addition to the consideration of initial capital costs. Where necessary, the Secretary will assist the Grantee in making such evaluations.

JAN 19 1981

Sec. 7. The Grant - This Grant consists of the Notification of Grant Approval; this Part I, Form UMTA F 2000, Rev. 5/20/80, entitled Grant; and Part II, Form UMTA F 5E, Rev. 5/20/80, entitled Urban Mass Transportation Agreement, Terms and Conditions. Should the grant award letter include special conditions for this Project, that letter is incorporated herein by reference and made part of this Grant. The approved Project Budget is incorporated herein by reference and made part of this Grant. Amendments to any of these documents shall require a formal amendment to this Grant, except that reallocations of funds among budget items or fiscal years which do not increase the total amount of the Federal grant shall only require prior authorization from UMTA and the issuance of a New Project Budget.

Sec. 8. Execution of Grant - This Grant may be simultaneously executed in several counterparts, each of which shall be deemed to be an original having identical legal effect. When signed by the Government, this Grant should be executed by the Grantee within ninety (90) days after the Obligation Date. The Government may withdraw its obligation hereunder if the Grant is not executed within the above ninety-day period. The effective date of the Grant shall be the Obligation Date.

The Grantee does hereby ratify and adopt all statements, representations, warranties, covenants, and materials submitted by it, and does hereby accept the Government's award of financial assistance and agrees to all of the terms and conditions of this Grant.

Executed this _____ day of _____, 19_____.

ATTEST: _____

BY: _____

TITLE AND ORGANIZATION

TITLE AND ORGANIZATION

Certificate of Grantee's Attorney

I, _____, acting as Attorney for the Grantee do hereby certify that I have examined this Grant and have ascertained that execution of the Grant was authorized on the date of _____. A copy of this authorization is attached or has previously been submitted to UMTA. The execution of this Grant and the proceedings taken by the Grantee are in all respects due and proper and in accordance with applicable State and local law. I further certify that, in my opinion, said Grant constitutes a legal and binding obligation of the Grantee in accordance with the terms thereof and certify that to the best of my knowledge there is no legislation or litigation pending or threatened which might affect the performance of the Project in accordance with the terms of this Grant.

Dated this _____ day of _____, 19_____.

SIGNATURE

TITLE AND ORGANIZATION

JAN 19 1981

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
URBAN MASS TRANSPORTATION ADMINISTRATION
GRANT49 U.S.C. § 1604
(SECTION 5 - CAPITAL ASSISTANCE)

PART I

THIS GRANT, effective on the date specified in the Notification of Grant Approval is entered into by and between the United States of America ("Government") and the Grantee named in the Notification of Grant Approval.

In consideration of the mutual covenants, promises, and representations herein, the parties hereto agree as follows:

Sec. 1. Purpose of Grant - The purpose of this Grant is to provide for the undertaking of an urban mass transportation capital improvement project ("Project") with Government financial assistance to the Grantee in the form of a capital grant ("Grant"), under Section 5 of the Urban Mass Transportation Act of 1964, as amended, ("Act"), and to state the terms and conditions upon which such assistance will be provided and the manner in which the Project will be undertaken and completed and the Project facilities/equipment used.

Sec. 2. The Project - The Grantee agrees to undertake and complete the Project, and to provide for the use of the Project facilities/equipment, substantially as described in its Application, incorporated herein by reference, filed with and approved by the Government, and in accordance with the terms and conditions of this Grant. The "Project Description" on the Notification of Grant Approval describes the Project to be funded under this Grant.

Sec. 3. The Grant - (a) In order to assist the Grantee in financing that portion of the total cost of the Project which the Department of Transportation (DOT) has determined cannot reasonably be financed from revenues of the public transportation system in which the Project facilities/equipment are to be used ("Net Project Cost"), such Net Project Cost being estimated to be that amount stated in the Notification of Grant Approval, the Government will make a Grant in an amount equal to eighty percent (80%) of the actual Net Project Cost, as determined by DOT upon completion of the Project, or in the amount designated as Maximum Federal Share in the Notification of Grant Approval, whichever is the lesser.

JAN 19 1981

(b) The obligation of the Government to make Federal Grant payments in any fiscal year shall not exceed the amount provided in the Project Budget for the fiscal year in which requisitions therefor are submitted or drawdowns under letter of credit are made.

Sec. 4. Local Share - The Grantee agrees that it will provide from sources other than (a) Federal funds (except as may otherwise be authorized by Federal statute), (b) receipts from the use of the Project facilities/equipment, or (c) revenues of the public transportation system in which such facilities/equipment are used, funds in an amount sufficient, together with the Grant, to assure payment of the actual Net Project Cost. State or local tax revenues which are used for the operation of public mass transportation service in the area involved may be credited (to the extent necessary) toward the non-Federal share of the cost of the Project. The Grantee further agrees that no refund or reduction of the amount so provided below the level of Federal assistance will be made at any time, unless there is at the same time a refund to the Government of a proportional amount of the Grant.

Sec. 5. Fares and Services - The Grantee agrees and assures that in compliance with Section 5(i) of the Act and regulations issued thereunder, at 49 C.F.R. Part 635, Subpart A, it will not institute increases in fares or substantial changes in service during the period after May 17, 1980 for which Section 5 assistance is requested except --

- (a) after having held a public hearing or having afforded an opportunity for such hearings, after adequate public notice;
- (b) after having given proper consideration to the views and comments expressed in such hearings; and
- (c) after having given consideration to the effect on energy conservation, and the economic, environmental, and social impact of the change in such fare or such service.

Sec. 6. Maintenance of Effort - (a) The Grantee agrees that the Federal financial assistance provided pursuant to this Grant will be supplementary to and not in substitution for the average amount of State and local government funds and other transit revenues, expended on the operation of public mass transportation service in the area involved for the two fiscal years preceding the fiscal year for which the funds are made available as defined in Section 5(f) of the Act and any implementing guidelines and regulations issued by UMTA: provided, however, that in accordance with Section 5(f) and any implementing guidelines and regulations:

(1) If such State and local government funds or other transit revenues used to support public mass transportation operations are reduced, there shall be no loss of Federal assistance under Section 5, if such reduction is offset by an increase in operating revenues through changes in fare structure.

(2) If the Secretary finds that the Grantee has reduced operating costs without reducing service levels, the Grantee may make a proportionate reduction in the amount of revenues required to be expended under this Subsection.

(3) If such State and local government funds or other transit revenues are reduced and (a) such reductions are not offset by an increase in operating revenues through changes in the fare structure, or (b) the Grantee has reduced operating costs which reductions result in reduced service levels, reductions in Federal assistance shall be determined in accordance with guidelines and regulations issued pursuant to Section 5(f).

(b) Any failure on the part of the Grantee to comply with this Section shall be deemed a violation of the terms of this Grant, and the Government may in its discretion take either or both of the following actions: (1) terminate all of the financial assistance provided pursuant to this Grant; and (2) require the Grantee to return to the Government any financial assistance provided pursuant to this Grant.

Sec. 7. Use of Project Facilities/Equipment - The Grantee agrees to observe the property management standards as set forth in OMB Circular A-102, Attachment N, or OMB Circular A-110, Attachment N, as appropriate, as now or hereafter amended. Exceptions to the requirements of Attachment N must be specifically approved by UMTA. If, during the period, any Project facilities/equipment are not used in mass transportation service, whether by planned withdrawal or casualty loss, the Grantee shall immediately notify the Government and shall remit to the Government a proportional amount of the fair market value, if any, of the property, which shall be determined on the basis of the ratio of the grant made by the Government to the actual cost of the Project. Fair market value shall be deemed to be the value of the property as determined by competent appraisal at the time of such withdrawal from use of misuse, or the net proceeds from public sale, whichever is approved by UMTA. In the event of loss due to

casualty or fire, the damages paid by the insurance carrier or payable from the self-insured reserve account shall be considered fair market value. In no event is salvage value to be considered fair market value.

The Grantee shall keep satisfactory records with regard to the use of the property and submit to the Government upon request such information as is required in order to assure compliance with this Section and shall immediately notify UMTA in all cases in which Project facilities/equipment are used in a manner substantially different from that described in the Project Description. The Grantee shall maintain in amount and form satisfactory to the Government such insurance or self-insurance as will be adequate to protect Project facilities/equipment throughout the period of required use. The cost of such insurance shall not be an item of allowable cost. The Grantee shall also submit to the Government at the beginning of each calendar year during such period, a certification that the Project facilities/equipment are still being used in accordance with the terms of this Section and that no part of the local contribution to this cost of the Project has been refunded or reduced, except as authorized above.

Sec. 8. Labor Protection - The Grantee agrees to undertake, carry out, and complete the Project under the terms and conditions determined by the Secretary of Labor to be fair and equitable to protect the interests of employees affected by the Project and meeting the requirements of Section 13(c) of the Act, 49 U.S.C. § 1609(c), and Department of Labor regulations at 29 C.F.R. Part 215.

These terms and conditions are identified in the letter of certification to the Government from the Department of Labor on the date set forth in the Notification of Grant Approval, which letter and any documents cited in that letter are incorporated into this Grant by reference. The Grant is subject to the conditions stated in the Department of Labor letter.

Sec. 9. Procurement of Rolling Stock and Buses - In accordance with any guidelines issued by UMTA the Grantee shall make third party contract awards for the acquisition of rolling stock, including buses, only after consideration of performance, standardization, and life-cycle costs, in addition to the consideration of initial capital costs. Where necessary, the Secretary will assist the Grantee in making such evaluations.

UMTA C 5100.1A

JAN 19 1981

Sec. 10. Special Conditions - The Grantee agrees and assures that the rates charged elderly and handicapped persons during nonpeak hours for transportation utilizing or involving the facilities and equipment financed pursuant to this Grant will not exceed one-half of the rates generally applicable to other persons at peak hours, whether the operation of such facilities and equipment is by the applicant or is by another entity under lease or otherwise.

Sec. 11. The Grant - This Grant consists of the Notification of Grant Approval; this Part I, Form UMTA F 2002, Rev. 5/20/80, entitled Grant; and Part II, Form UMTA F 5E, Rev. 5/20/80, entitled Urban Mass Transportation Agreement, Terms and Conditions. Should the grant award letter include special conditions for this Project, that letter is incorporated herein by reference and made part of this Grant. The approved Project Budget is incorporated herein by reference and made part of this Grant. Amendments to any of these documents shall require a formal amendment to this Grant, except that reallocations of funds among budget items or fiscal years which do not increase the total amount of the Federal grant shall only require prior authorization from UMTA and the issuance of a New Project Budget.

Sec. 12. Execution of Grant - This Grant may be simultaneously executed in several counterparts, each of which shall be deemed to be an original having identical legal effect. When signed by the Government, this Grant should be executed by the Grantee within ninety (90) days after the Obligation Date. The Government may withdraw its obligation hereunder if the Grant is not executed within the above ninety-day period. The effective date of the Grant shall be the Obligation Date.

The Grantee does hereby ratify and adopt all statements, representations, warranties, covenants, and materials submitted by it, and does hereby accept the Government's award of financial assistance and agrees to all of the terms and conditions of this Grant.

Executed this ____ day of _____, 19__.

ATTEST: _____

BY: _____

TITLE AND ORGANIZATION

TITLE AND ORGANIZATION

Certificate of Grantee's Attorney

I, _____, acting as Attorney for the Grantee do hereby certify that I have examined this Grant and have ascertained that execution of the Grant was authorized on the date of _____. A copy of this authorization is attached or has previously been submitted to UMTA. The execution of this Grant and the proceedings taken by the Grantee are in all respects due and proper and in accordance with applicable State and local law. I further certify that, in my opinion, said Grant constitutes a legal and binding obligation of the Grantee in accordance with the terms thereof and certify that to the best of my knowledge there is no legislation or litigation pending or threatened which might affect the performance of the Project in accordance with the terms of this Grant.

Dated this _____ day of _____, 19_____

SIGNATURE

TITLE AND ORGANIZATION

JAN 19 1981

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
URBAN MASS TRANSPORTATION ADMINISTRATION

NOTIFICATION OF GRANT APPROVAL
49 U.S.C. § 1604
(SECTION 5 - OPERATING ASSISTANCE)

Project No.

GRANTEE:

DESIGNATED RECIPIENT:

MASS TRANSPORTATION SYSTEM:

ESTIMATED NET PROJECT COST:

MAXIMUM FEDERAL SHARE:

OBLIGATION DATE:

SOURCES OF FEDERAL FINANCIAL ASSISTANCE:

DATE OF SECTION 13(c) CERTIFICATION LETTER
FROM THE DEPARTMENT OF LABOR:

PROJECT TIME PERIOD:

DATE

REGIONAL DIRECTOR

JAN 19 1981

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
URBAN MASS TRANSPORTATION ADMINISTRATION
GRANT

49 U.S.C. § 1604
(SECTION 5 - OPERATING ASSISTANCE)

PART I

THIS GRANT, effective on the date specified in the Notification of Grant Approval is entered into by and between the United States of America ("Government") and the Grantee named in the Notification of Grant Approval.

In consideration of the mutual covenants, promises, and representations herein, the parties hereto agree as follows:

Sec. 1. Purpose of Grant - The purpose of this Grant is to provide for the undertaking of an urban mass transportation operating assistance project ("Project") with Government financial assistance to the Grantee in the form of an operating assistance grant ("Grant"), under Section 5 of the Urban Mass Transportation Act of 1964, as amended, ("Act"), and to state the terms and conditions upon which such assistance will be provided and the manner in which the Project will be undertaken and completed and the Project facilities/equipment used.

Sec. 2. The Project - (a) The Project involves the continued or improved operation of the mass transit system named in the Notification of Grant Approval for the Project Time Period described in the Notification of Grant Approval.

(b) The Grantee agrees to provide for the continued or improved operation of the system, substantially as described in its Application, filed with and approved by the Government, incorporated in this Agreement by reference, and in accordance with terms and conditions of this Agreement.

Sec. 3. The Grant - (a) In order to assist the Grantee in financing the project operating expenses that are eligible for federal financial assistance ("Net Project Cost"), such Net Project Cost being estimated to be the amount appearing in the Notification of Grant Approval, the Government will make a Grant in an amount not to exceed 50% of the Net Project Cost, as determined by the Department of Transportation or the amount designated as Federal Share in the Notification of Grant

Approval, whichever is the lesser. Federal funds made available under this Section will be from available Section 5 apportioned funds. Notwithstanding any provision to the contrary in Section 105(c) of Part II, Form UMTA F 5E, Rev. 5/20/80, the Federal financial assistance provided under this Grant may be applied to Net Project Costs incurred by the Grantee during the Project Time Period specified in the Notification of Grant Approval.

(b) For purposes of this Agreement "Net Project Cost" must be in conformance with the requirements of Federal Management Circular 74-4 (FMC 74-4), "Cost Principles Applicable to Grants and Contracts with State and Local Governments," and with any guidelines or regulations issued by UMTA.

(c) The obligation of the Government to make Federal Grant payments in any fiscal year shall not exceed the amount provided in the Project Budget for the fiscal year in which requisitions therefor are submitted or drawdowns under letter of credit are made.

Sec. 4. Local Share - The Grantee agrees that it will provide from sources other than (a) Federal funds (except as may otherwise be authorized by Federal statute), or (b) revenues of the public transportation system in which such facilities/equipment are used, funds in an amount sufficient, together with the Grant, to assure payment of the actual Net Project Cost. State or local tax revenues which are used for the operation of public mass transportation service in the area involved may be credited (to the extent necessary) toward the non-federal share of the cost of the Project. The Grantee further agrees that no refund or reduction of the amount so provided below the level of Federal assistance will be made at any time, unless there is at the same time a refund to the Government of a proportional amount of the Grant.

Sec. 5. Fares and Services - The Grantee agrees and assures that, in compliance with Section 5(i) of the Act and regulations issued thereunder, at 49 C.F.R. Part 635, Subpart A, it will not institute increases in fares or substantial changes in service during the period after May 17, 1980 for which Section 5 assistance is requested except --

(a) after having held a public hearing or having afforded an opportunity for such hearings, after adequate public notice;

(b) after having given proper consideration to the views and comments expressed in such hearings; and

(c) after having given consideration to the effect on energy conservation, and the economic, environmental, and social impact of the change in such fare or such service.

Sec. 6. Maintenance of Effort - (a) The Grantee agrees that the Federal financial assistance provided pursuant to this Grant will be supplementary to and not in substitution for the average amount of State and local government funds and other transit revenues, expended on the operation of public mass transportation service in the area involved for the two fiscal years preceding the fiscal year for which the funds are made available as defined in Section 5(f) of the Act and any implementing guidelines and regulations issued by UMTA, provided, however, that in accordance with Section 5(f) and any implementing guidelines and regulations:

(1) If such State and local government funds or other transit revenues used to support public mass transportation operations are reduced, there shall be no loss of Federal assistance under Section 5, if such reduction is offset by an increase in operating revenues through changes in fare structure.

(2) If the Secretary finds that the Grantee has reduced operating costs without reducing service levels, the Grantee may make a proportionate reduction in the amount of revenues required to be expended under this Subsection.

(3) If such State and local government funds or other transit revenues are reduced and (a) such reductions are not offset by an increase in operating revenues through changes in the fare structure, or (b) the Grantee has reduced operating costs which reductions result in reduced service levels, reductions in Federal assistance shall be determined in accordance with guidelines and regulations issued pursuant to Section 5(f).

(b) Any failure on the part of the Grantee to comply with this Section shall be deemed a violation of the terms of this Grant, and the Government may in its discretion take either or both of the following actions: (1) terminate all of the financial assistance provided pursuant to this Grant; and (2) require the Grantee to return to the Government any financial assistance provided pursuant to this Grant.

Sec. 7. Use of Project Funds - (a) The Grantee agrees that the Federal financial assistance provided under this Grant Agreement shall be applied to the eligible project operating expenses incurred in the provision of mass transportation service within the urbanized area served by the Grantee as described in the Application with respect to the Project Time Period described on the Notification of Grant Approval. If, during such period, any Federal financial assistance provided pursuant to this Grant Agreement is not so applied, the Grantee shall immediately notify the Government.

10/19/1981

(b) The Grantee shall keep satisfactory records in the manner described in Part II of this Grant Agreement with regard to the use of Federal financial assistance provided pursuant to this Grant Agreement and shall submit upon request such information as the Government may require in order to assure compliance with this Section.

Sec. 8. Labor Protection - (a) The Grantee agrees to undertake, carry out, and complete the Project under the terms and conditions determined by the Secretary of Labor to be fair and equitable to protect the interests of employees affected by the Project and meeting the requirements of section 13(c) of the Act, 49 U.S.C. § 1609 (c), and Department of Labor regulations at 29 C.F.R. Part 215.

(b) These terms and conditions are identified in the letter of certification to the Government from the Department of Labor on the date set forth in the Notification of Grant Approval, which letter and any documents cited in that letter are incorporated into this Grant by reference. The Grant is subject to the conditions stated in the Department of Labor letter.

Sec. 9. Special Conditions - The Grantee agrees and assures that the rates charged elderly and handicapped persons during nonpeak hours for transportation utilizing or involving the facilities and equipment financed pursuant to this Grant will not exceed one-half of the rates generally applicable to other persons at peak hours, whether the operation of such facilities and equipment is by the applicant or is by another entity under lease or otherwise.

Sec. 10. The Grant - This Grant consists of the Notification of Grant Approval; this Part I, Form UMTA F 2001, Rev. 5/20/80, entitled Grant; and Part II, Form UMTA F 5E, Rev. 5/20/80, entitled Urban Mass Transportation Agreement, Terms and Conditions. Should the grant award letter include special conditions for this Project, that letter is incorporated herein by reference and made part of this Grant. The approved Project Budget is incorporated herein by reference and made part of this Grant. Amendments to any of these documents shall require a formal amendment to this Grant, except that reallocations of funds among budget items or fiscal years which do not increase the total amount of the Federal grant shall only require prior authorization from UMTA and the issuance of a New Project Budget.

UMTA C 5100.1A

JAN 1991

Sec. 11. Execution of Grant - This Grant may be simultaneously executed in several counterparts, each of which shall be deemed to be an original having identical legal effect. When signed by the Government, this Grant should be executed by the Grantee within ninety (90) days after the Obligation Date. The Government may withdraw its obligation hereunder if the Grant is not executed within the above ninety-day period. The effective date of the Grant shall be the Obligation Date.

(b) The Grantee does hereby ratify and adopt all statements, representations, warranties, covenants, and materials submitted by it, and does hereby accept the Government's award of financial assistance and agrees to all of the terms and conditions of this Grant.

Executed this _____ day of _____,
19_____.

ATTEST: _____

BY: _____

TITLE AND ORGANIZATION

TITLE AND ORGANIZATION

Certificate of Grantee's Attorney

I, _____, acting as Attorney for the Grantee do hereby certify that I have examined this Grant and have ascertained that execution of the Grant was authorized on the date of _____. A copy of this authorization is attached or has previously been submitted to UMTA. The execution of this Grant and the proceedings taken by the Grantee are in all respects due and proper and in accordance with applicable State and local law. I further certify that, in my opinion, said Grant constitutes a legal and binding obligation of the Grantee in accordance with the terms thereof and certify that to the best of my knowledge there is no legislation or litigation pending or threatened which might affect the performance of the Project in accordance with the terms of this Grant.

Dated this _____ day of _____, 19_____.

SIGNATURE

TITLE AND ORGANIZATION

UMTA C 5100.1A
JAN 19 1983

JAN 19 1981

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
URBAN MASS TRANSPORTATION ADMINISTRATION

NOTIFICATION OF GRANT APPROVAL
23 U.S.C.
(TITLE 23 - CAPITAL ASSISTANCE)

Project No.

GRANTEE:

ESTIMATED TOTAL PROJECT COST:

ESTIMATED NET PROJECT COST:

MAXIMUM FEDERAL SHARE:

OBLIGATION DATE:

SOURCES OF FEDERAL FINANCIAL ASSISTANCE:

DATE OF SECTION 13(c) CERTIFICATION LETTER
FROM THE DEPARTMENT OF LABOR:

PROJECT DESCRIPTION:

DATE

REGIONAL DIRECTOR

JAN 19 1981

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
URBAN MASS TRANSPORTATION ADMINISTRATION
GRANT23 U.S.C.
(TITLE 23)

PART I

THIS GRANT, effective on the date specified in the Notification of Grant Approval is entered into by and between the United States of America ("Government") and the Grantee named in the Notification of Grant Approval.

In consideration of the mutual covenants, promises, and representations herein, the parties hereto agree as follows:

Sec. 1. Purpose of Grant - The purpose of this Grant is to provide for the undertaking of an urban mass transportation capital improvement project ("Project") with Government financial assistance to the Grantee in the form of a capital grant ("Grant"), under the Federal-Aid Highway Act of 1973 ("Act"), and to State the terms and conditions upon which such assistance will be provided and the manner in which the Project will be undertaken and completed and the Project facilities/equipment used.

Sec. 2. The Project - The Grantee agrees to undertake and complete the Project, and to provide for the use of the Project facilities/equipment, substantially as described in its Application, incorporated herein by reference, filed with and approved by the Government, and in accordance with the terms and conditions of this Grant. The "Project Description" on the Notification of Grant Approval describes the Project to be funded under this Grant.

Sec. 3. The Grant - In order to assist the Grantee in financing that portion of the total cost of the Project which the Department of Transportation (DOT) has determined cannot reasonably be financed from revenues of the public transportation system in which the Project facilities/equipment are to be used ("Net Project Cost"), such Net Project cost being estimated to be that amount stated in the Notification of Grant Approval, the Government will make a Grant in an amount equal to _____ percent (%) of the

actual Net Project Cost, as determined by DOT upon completion of the Project, or in the amount designated as Maximum Federal Share in the Notification of Grant Approval, whichever is the lesser. However, if this Grant is an Amendment to a prior Grant and if the Government's share was limited to 66 2/3% under that Grant, then that limit shall continue to apply in calculating the Government's share of the Net Project Cost as approved on the date of the original Grant and the date of any Amendment subject to such 66 2/3% limit.

The obligation of the Government to make Federal Grant payments in any fiscal year shall not exceed the amount provided in the Project Budget for the fiscal year in which requisitions therefor are submitted or drawdowns under letter of credit are made.

The Grantee agrees that it will provide from sources other than (a) Federal funds (except as may otherwise be authorized by Federal statute), (b) receipts from the use of the Project facilities/equipment, or (c) revenues of the public transportation system in which such facilities/equipment are used, funds in an amount sufficient, together with the Grant, to assure payment of the actual Project Cost. The Grantee further agrees that no refund or reduction of the amount so provided will be made at any time, unless there is at the same time a refund to the Government of a proportional amount of the Grant.

Sec. 4. Use of Project Facilities/Equipment - The Grantee agrees to observe the property management standards as set forth in OMB Circular A-102, Attachment N, or OMB Circular A-110, Attachment N, as appropriate, as now or hereafter amended. Exceptions to the requirements of Attachment N must be specifically approved by UMTA. If, during the period, any Project facilities/equipment are not used in mass transportation service, whether by planned withdrawal or casualty loss, the Grantee shall immediately notify the Government and shall remit to the Government a proportional amount of the fair market value, if any, of the ratio of the Grant made by the Government to the actual cost of the Project. Fair market value shall be deemed to be the value of the property as determined by competent appraisal at the time of such withdrawal from use or misuse, or the net proceeds from public sale, whichever is approved by UMTA. In the event of loss due to casualty or fire, the damages paid by the insurance carrier or payable from the self-insured reserve account shall be considered fair market value. In no event is salvage value to be considered fair market value.

The Grantee shall keep satisfactory records with regard to the use of the property and submit to the Government upon request such information as is required in order to assure compliance with this Section and shall immediately notify UMTA in all cases where Project facilities/equipment are used in a manner substantially different from that described in the Project Description. The Grantee shall maintain in amount and form satisfactory to the Government such insurance or self-insurance as will be adequate to protect Project facilities/equipment throughout the period of required use. The cost of such insurance shall not be an item of allowable cost. The Grantee shall also submit to the Government at the beginning of each calendar year during such period, a certification that the Project facilities/equipment are still being used in accordance with the terms of this Section and that no part of the local contribution to the cost of the Project has been refunded or reduced.

Sec. 5. Labor Protection - The Grantee agrees to undertake, carry out, and complete the Project under the terms and conditions determined by the Secretary of Labor to be fair and equitable to protect the interests of employees affected by the Project and meeting the requirements of Section 13(c) of the Act, 49 U.S.C. § 1609(c), and Department of Labor regulations at 29 C.F.R. Part 215.

These terms and conditions are identified in the letter of certification to the Government from the Department of Labor on the date set forth in the Notification of Grant Approval, which letter and any documents cited in that letter are incorporated into this Grant by reference. The Grant is subject to the conditions stated in the Department of Labor letter.

Sec. 6. The Grant - This Grant consists of the Notification of Grant Approval; this Part I, Form UMTA F 2004, Rev. 5/20/80, entitled Grant; and Part II, Form UMTA F 5E, Rev. 5/20/80, entitled Urban Mass Transportation Agreement, Terms and Conditions. Should the grant award letter include special conditions for this Project, that letter is incorporated herein by reference and made part of this Grant. The approved Project Budget is incorporated herein by reference and made part of this Grant. Amendments to any of these documents shall require a formal amendment to this Grant, except that reallocations of funds among budget items or fiscal years which do not increase the total amount of the Federal grant shall only require prior authorization from UMTA and the issuance of a new Project Budget.

UMTA C 5100.1A

JAN 14 1981

Appendix 2

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UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
URBAN MASS TRANSPORTATION ADMINISTRATION

NOTIFICATION OF GRANT APPROVAL
49 U.S.C. § 1604
(SECTION 5 - CAPITAL ASSISTANCE)

Project No.

GRANTEE:

DESIGNATED RECIPIENT:

ESTIMATED TOTAL PROJECT COST:

ESTIMATED NET PROJECT COST:

MAXIMUM FEDERAL SHARE:

OBLIGATION DATE:

SOURCES OF FEDERAL FINANCIAL ASSISTANCE:

DATE OF SECTION 13(c) CERTIFICATION LETTER FROM THE
DEPARTMENT OF LABOR:

PROJECT DESCRIPTION:

DATE

REGIONAL DIRECTOR

JAN 1996

UMTA C 5100.1A

JAN 19 1981

Appendix 2
Page 63

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
URBAN MASS TRANSPORTATION ADMINISTRATION

NOTIFICATION OF ASSISTANCE APPROVAL
49 U.S.C. §1602
(SECTION 3 - CAPITAL ASSISTANCE)

Project No.

RECIPIENT:

ESTIMATED TOTAL PROJECT COST:

ESTIMATED NET PROJECT COST:

MAXIMUM FEDERAL SHARE:

OBLIGATION DATE:

SOURCES OF FEDERAL FINANCIAL ASSISTANCE:

DATE OF SECTION 13(c) CERTIFICATION LETTER
FROM THE DEPARTMENT OF LABOR:

PROJECT DESCRIPTION:

RECIPIENT ROLE:

FEDERAL ROLE:

DATE

REGIONAL DIRECTOR

JAN 10 1981

JAN 1981

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
URBAN MASS TRANSPORTATION ADMINISTRATION
COOPERATIVE AGREEMENT49 U.S.C. § 1602
(SECTION 3)

PART I

THIS COOPERATIVE AGREEMENT, effective on the date specified in the Notification of Assistance Approval is entered into by and between the United States of America ("Government") and the Recipient named in the Notification of Assistance Approval.

In consideration of the mutual covenants, promises, and representations herein, the parties hereto agree as follows:

Sec. 1. Purpose of Cooperative Agreement - The purpose of this Cooperative Agreement is to provide for the undertaking of an urban mass transportation capital improvement project ("Project") with Government financial assistance to the Recipient in the form of a capital cooperative agreement ("Cooperative Agreement"), under Section 3 of the Urban Mass Transportation Act of 1964, as amended, ("Act"), and to state the terms and conditions upon which such assistance will be provided and the manner in which the Project will be undertaken and completed and the Project facilities/equipment used.

Sec. 2. The Project - The Recipient agrees to undertake and complete the Project, and to provide for the use of the Project facilities/equipment, substantially as described in its Application, incorporated herein by reference, filed with and approved by the Government, and in accordance with the terms and conditions of this Cooperative Agreement. The Approval describes the Project to be funded under this Cooperative Agreement.

Sec. 3. The Cooperative Agreement - In order to assist the Recipient in financing that portion of the total cost of the Project which the Department of Transportation (DOT) has determined cannot reasonably be financed from revenues of the public transportation system in which the Project facilities/equipment are to be used ("Net Project Cost"), such Net

Project Cost being estimated to be that amount stated in the Notification of Assistance Approval, the Government will make available financial assistance in an amount equal to eighty percent (80%) of the actual Net Project Cost, as determined by DOT upon completion of the Project, or in the amount designated as Maximum Federal Share in the Notification of Assistance Approval, whichever is the lesser. However, if this Cooperative Agreement is an amendment to a prior Grant and if the Government's share was limited to 66 2/3% under that Grant, then that limit shall continue to apply in calculating the Government's share of the Net Project Cost as approved on the date of the original Grant and the date of any amendment subject to such 66 2/3% limit.

The obligation of the Government to make Federal Assistance payments in any fiscal year shall not exceed the amount provided in the Project Budget for the fiscal year in which requisitions therefor are submitted or drawdowns under letter of credit are made.

The Recipient agrees that it will provide from sources other than (a) Federal funds (except as may otherwise be authorized by Federal statute), (b) receipts from the use of the Project facilities/equipment, or (c) revenues of the public transportation system in which such facilities/equipment are used, funds in an amount sufficient, together with the Federal financial assistance, to assure payment of the actual Project Cost. The Recipient further agrees that no refund or reduction of the amount so provided will be made at any time, unless there is at the same time a refund to the Government of a proportional amount of the Federal assistance provided.

Sec. 4. Use of Project Facilities/Equipment - The Recipient agrees to observe the property management standards as set forth in OMB Circular A-102, Attachment N, as now or hereafter amended. Exceptions to the requirements of Attachment N must be specifically approved by UMTA. If, during the period, any Project facilities/equipment are not used in mass transportation service, whether by planned withdrawal or casualty loss, the Recipient shall immediately notify the Government and shall remit to the Government a proportional amount of the fair market value, if any, of the ratio of the financial assistance provided by the Government to the actual cost of the Project. Fair market value shall be deemed to be the value of the property as determined by competent appraisal at the time of such withdrawal from use or misuse, or the net proceeds from public sale, whichever is approved by UMTA. In the event of loss due to

casualty or fire, the damages paid by the insurance carrier or payable from the self-insured reserve account shall be considered fair market value. In no event is salvage value to be considered fair market value.

The Recipient shall keep satisfactory records with regard to the use of the property and submit to the Government upon request such information as is required in order to assure compliance with this Section and shall immediately notify UMTA in all cases where Project facilities/equipment are used in a manner substantially different from that described in the Project Description. The Recipient shall maintain in amount and form satisfactory to the Government such insurance or self-insurance as will be adequate to protect Project facilities/equipment throughout the period of required use. The cost of such insurance shall not be an item of allowable cost. The Recipient shall also submit to the Government at the beginning of each calendar year during such period, a certification that the Project facilities/equipment are still being used in accordance with the terms of this Section and that no part of the local contribution to the cost of the Project has been refunded or reduced.

Sec. 5. Labor Protection - The Recipient agrees to undertake, carry out, and complete the Project under the terms and conditions determined by the Secretary of Labor to be fair and equitable to protect the interests of employees affected by the Project and meeting the requirements of section 13(c) of the Act, 49 U.S.C. § 1609(c) and Department of Labor Regulations at 29 C.F.R. Part 215.

These terms and conditions are identified in the letter of certification to the Government from the Department of Labor on the date set forth in the Notification of Assistance Approval, which letter and any documents cited in that letter are incorporated into this Cooperative Agreement by reference. The Cooperative Agreement is subject to the conditions stated in the Department of Labor letter.

Sec. 6. Procurement of Rolling Stock and Buses - In accordance with guidelines issued by UMTA, the Recipient shall make third party contract awards for the acquisition of rolling stock, including buses, only after consideration of performance, standardization, and life-cycle costs, in addition to the consideration of initial capital costs. Where necessary, the Secretary will assist the Recipient in making such evaluations.

Sec. 7. The Cooperative Agreement - The Cooperative Agreement consists of the Notification of Assistance Approval; this Part I, Form UMTA F 2006, Rev. 5/20/80 entitled Cooperative Agreement; and Part II, Form UMTA F 5E, Rev. 5/20/80, entitled Urban Mass Transportation Agreement, Terms and Conditions. Should the Cooperative Agreement award letter include special conditions for this Project, that letter is incorporated herein by reference and made part of this Grant. The latest approved Project Budget is incorporated herein by reference and made part of this Cooperative Agreement. Amendments to any of these documents shall require a formal amendment to this Cooperative Agreement, except that reallocations of funds among budget items or fiscal years which do not increase the total amount of the Federal financial assistance shall only require prior authorization from UMTA and the issuance of a New Project Budget.

Sec. 8. Execution of Cooperative Agreement - This Cooperative Agreement may be simultaneously executed in several counterparts, each of which shall be deemed to be an original having identical legal effect. When signed by the Government, this Cooperative Agreement should be executed by the Recipient within ninety (90) days after the Obligation Date. The Government may withdraw its obligation hereunder if the Cooperative Agreement is not executed within the above ninety-day period. The effective date of the Cooperative Agreement shall be the Obligation Date.

The Recipient does hereby ratify and adopt all statements, representations, warranties, covenants, and materials submitted by it, and does hereby accept the Government's award of financial assistance and agrees to all of the terms and conditions of this Cooperative Agreement.

Executed this _____ day of _____, 19____.

ATTEST: _____

BY: _____

TITLE AND ORGANIZATION

TITLE AND ORGANIZATION

Certificate of Recipient's Attorney

I, _____, acting as Attorney for the Recipient do hereby certify that I have examined this Cooperative Agreement and have ascertained that execution of the Cooperative Agreement was authorized on the date of _____. A copy of this authorization is attached or has previously been submitted to UMTA. The execution of this Cooperative Agreement and the proceedings taken by the Recipient are in all respects due and proper and in accordance with applicable State and local law. I further certify that, in my opinion, said Cooperative Agreement constitutes a legal and binding obligation of the Recipient in accordance with the terms thereof and certify that to the best of my knowledge there is no legislation or litigation pending or threatened which might affect the performance of the Project in accordance with the terms of this Cooperative Agreement.

Date this _____ day of _____, 19____.

SIGNATURE

TITLE AND ORGANIZATION

JUN 19 1981

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
URBAN MASS TRANSPORTATION ADMINISTRATION

NOTIFICATION OF ASSISTANCE APPROVAL
49 U.S.C. § 1604
(SECTION 5 - CAPITAL ASSISTANCE)

Project No.

RECIPIENT:

DESIGNATED RECIPIENT UNDER SECTION 5:

ESTIMATED TOTAL PROJECT COST:

ESTIMATED NET PROJECT COST:

MAXIMUM FEDERAL SHARE:

OBLIGATION DATE:

SOURCES OF FEDERAL FINANCIAL ASSISTANCE

DATE OF SECTION 13(c) CERTIFICATION LETTER
FROM THE DEPARTMENT OF LABOR:

PROJECT DESCRIPTION:

RECIPIENT ROLE:

FEDERAL ROLE:

DATE

REGIONAL DIRECTOR

MAY 19 1981

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
URBAN MASS TRANSPORTATION ADMINISTRATION
COOPERATIVE AGREEMENT

49 U.S.C. § 1604
(SECTION 5 - CAPITAL ASSISTANCE)

PART I

THIS COOPERATIVE AGREEMENT, effective on the date specified in the Notification of Assistance Approval is entered into by and between the United States of America ("Government") and the Recipient named in the Notification of Cooperative Agreement Approval.

In consideration of the mutual covenants, promises, and representations herein, the parties hereto agree as follows:

Sec. 1. Purpose of Cooperative Agreement - The purpose of this Cooperative Agreement is to provide for the undertaking of an urban mass transportation capital improvement project ("Project") with Government financial assistance to the Recipient in the form of a capital cooperative agreement ("Cooperative Agreement"), under Section 5 of the Urban Mass Transportation Act of 1964, as amended, ("Act"), and to state the terms and conditions upon which such assistance will be provided and the manner in which the Project will be undertaken and completed and the Project facilities/equipment used.

Sec. 2. The Project - The Recipient agrees to undertake and complete the Project, and to provide for the use of the Project facilities/equipment, substantially as described in its Application, incorporated herein by reference, filed with and approved by the Government, and in accordance with the terms and conditions of this Cooperative Agreement. The "Project Description" on the Notification of Assistance Approval describes the Project to be funded under this Cooperative Agreement.

Sec. 3. The Cooperative Agreement - (a) In order to assist the Recipient in financing that portion of the total cost of the Project which the Department of Transportation (DOT) has determined cannot reasonably be financed from revenues of the public transportation system in which the Project facilities/equipment are to be used ("Net Project Cost"), such Net Project Cost being estimated to be that amount stated in the Notification of Cooperative Agreement Approval, the Government will make available financial assistance in an amount equal to eighty percent (80%) of the actual Net Project Cost, as determined by DOT upon completion of the Project, or in the amount designated as Maximum Federal Share in the Notification of Assistance Approval, whichever is the lesser.

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(b) The obligation of the Government to make Federal Assistance payments in any fiscal year shall not exceed the amount provided in the Project Budget for the fiscal year in which requisitions therefor are submitted or drawdowns under letter of credit are made.

Sec. 4. Local Share - The Recipient agrees that it will provide from sources other than (a) Federal funds (except as may otherwise be authorized by Federal statute), (b) receipts from the use of the Project facilities/equipment, or (c) revenues of the public transportation system in which such facilities/equipment are used, funds in an amount sufficient, together with the Assistance, to assure payment of the actual Net Project Cost. State or local tax revenues which are used for the operation of public mass transportation service in the area involved may be credited (to the extent necessary) toward the non-Federal share of the cost of the Project. The Recipient further agrees that no refund or reduction of the amount so provided below the level of Federal assistance will be made at any time, unless there is at the same time a refund to the Government of a proportional amount of the Federal Assistance.

Sec. 5. Fares and Services - The Recipient agrees and assures that in compliance with Section 5(i) of the Act and regulations issued thereunder, at 49 C.F.R. Part 635, Subpart A, it will not institute increases in fares or substantial changes in service during the period after May 17, 1980 for which Section 5 assistance is requested except --

- (a) after having held a public hearing or having afforded an opportunity for such hearings, after adequate public notice;
- (b) after having given proper consideration to the views and comments expressed in such hearings; and
- (c) after having given consideration to the effect on energy conservation, and the economic, environmental, and social impact of the change in such fare or such service.

Sec. 6. Maintenance of Effort - (a) The Recipient agrees that the Federal financial assistance provided pursuant to this Cooperative Agreement will be supplementary to and not in substitution for the average amount of State and local government funds and other transit revenues, expended on the operation of public mass transportation service in the area involved for the two fiscal years preceding the fiscal year for which the funds are made available as defined in Section 5(f) of the Act and any implementing guidelines and regulations issued by UMTA: provided, however, that in accordance with Section 5(f) and any implementing guidelines and regulations:

JAN 11 1981

(1) If such State and local government funds or other transit revenues used to support public mass transportation operations are reduced, there shall be no loss of Federal assistance under Section 5, if such reduction is offset by an increase in operating revenues through changes in fare structure.

(2) If the Secretary finds that the Recipient has reduced operating costs without reducing service levels, the Recipient may make a proportionate reduction in the amount of revenues required to be expended under this Subsection.

(3) If such State and local government funds or other transit revenues are reduced and (a) such reductions are not offset by an increase in operating revenues through changes in the fare structure, or (b) the Recipient has reduced operating costs which reductions result in reduced service levels, reductions in Federal assistance shall be determined in accordance with guidelines and regulations issued pursuant to Section 5(f).

(b) Any failure on the part of the Recipient to comply with this Section shall be deemed a violation of the terms of this Cooperative Agreement, and the Government may in its discretion take either or both of the following actions:

(1) terminate all of the financial assistance provided pursuant to this Cooperative Agreement; and (2) require the Recipient to return to the Government any financial assistance provided pursuant to this Cooperative Agreement.

Sec. 7. Use of Project Facilities/Equipment - The Recipient agrees to observe the property management standards as set forth in OMB Circular A-102, Attachment N, or OMB Circular A-110, Attachment N, as appropriate, as now or hereafter amended. Exceptions to the requirements of Attachment N must be specifically approved by UMTA. If, during the period, any Project facilities/equipment are not used in mass transportation service, whether by planned withdrawal or casualty loss, the Recipient shall immediately notify the Government and shall remit to the Government a proportional amount of the fair market value, if any, of the property, which shall be determined on the basis of the ratio of the assistance provided by the Government to the actual cost of the project. Fair market value shall be deemed to be the value of the property as determined by competent

appraisal at the time of such withdrawal from use or misuse, or the net proceeds from public sale, whichever is approved by UMTA. In the event of loss due to casualty or fire, the damages paid by the insurance carrier or payable from the self-insured reserve account shall be considered fair market value. In no event is salvage value to be considered fair market value.

The Recipient shall keep satisfactory records with regard to the use of the property and submit to the Government upon request such information as is required in order to assure compliance with this Section and shall immediately notify UMTA in all cases in which Project facilities/equipment are used in a manner substantially different from that described in the Project Description. The Recipient shall maintain in amount and form satisfactory to the Government such insurance or self-insurance as will be adequate to protect Project facilities/equipment throughout the period of required use. The cost of such insurance shall not be an item of allowable cost. The Recipient shall also submit to the Government at the beginning of each calendar year during such period, a certification that the Project facilities/equipment are still being used in accordance with the terms of this Section and that no part of the local contribution to the cost of the Project has been refunded or reduced, except as authorized above.

Sec. 8. Labor Protection - The Recipient agrees to undertake, carry out, and complete the Project under the terms and conditions determined by the Secretary of Labor to be fair and equitable to protect the interests of employees affected by the Project and meeting the requirements of Section 13(c) of the Act, 49 U.S.C. § 1609(c) and Department of Labor regulations at 29 C.F.R. Part 215.

These terms and conditions are identified in the letter of certification to the Government from the Department of Labor on the date set forth in the Notification of Assistance Approval, which letter and any documents cited in that letter are incorporated into this Cooperative Agreement by reference. The Cooperative Agreement is subject to the conditions stated in the Department of Labor letter.

Sec. 9. Procurement of Rolling Stock and Buses. In accordance with any guidelines issued by UMTA the Recipient shall make third party contract awards for the acquisition of rolling stock, including buses, only after consideration of performance, standardization, and life-cycle costs, in addition to the consideration of initial capital costs. Where necessary, the Secretary will assist the Recipient in making such evaluations.

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Sec. 10. Special Conditions - The Recipient agrees and assures that the rates charged elderly and handicapped persons during nonpeak hours for transportation utilizing or involving the facilities and equipment financed pursuant to this Cooperative Agreement will not exceed one-half of the rates generally applicable to other persons at peak hours, whether the operation of such facilities and equipment is by the applicant or is by another entity under lease or otherwise.

Sec. 11. The Cooperative Agreement - This Cooperative Agreement consists of the Notification of Assistance Approval; this Part I, Form UMTA F 2008, Rev. 5/20/80, entitled Cooperative Agreement; and Part II, Form UMTA F 5E, Rev. 5/20/80, entitled Urban Mass Transportation Agreement, Terms and Conditions. Should the Cooperative Agreement award letter include special conditions for this Project, that letter is incorporated herein by reference and made part of this Cooperative Agreement. The latest approved Project Budget is incorporated herein by reference and made part of this Cooperative Agreement. Amendments to any of these documents shall require a formal amendment to this Cooperative Agreement, except that reallocations of funds among budget items or fiscal years which do not increase the total amount of the Federal financial assistance shall only require prior authorization from UMTA and the issuance of a new Project Budget.

Sec. 12. Execution of Cooperative Agreement - This Cooperative Agreement may be simultaneously executed in several counterparts, each of which shall be deemed to be an original having identical legal effect. When signed by the Government, this Cooperative Agreement should be executed by the Recipient within ninety (90) days after the Obligation Date. The Government may withdraw its obligation hereunder if the Cooperative Agreement is not executed within the above ninety-day period. The effective date of the Cooperative Agreement shall be the Obligation Date.

The Recipient does hereby ratify and adopt all statements, representations, warranties, covenants, and materials submitted by it, and does hereby accept the Government's award of financial assistance and agrees to all of the terms and conditions of this Cooperative Agreement.

Executed this _____ day of _____, 19_____.

ATTEST: _____

BY: _____

TITLE AND ORGANIZATION

TITLE AND ORGANIZATION

Certificate of Recipient's Attorney

I, _____, acting as Attorney for the Recipient do hereby certify that I have examined this Cooperative Agreement and have ascertained that execution of the Cooperative Agreement was authorized on the date of _____. A copy of this authorization is attached or has previously been submitted to UMTA. The execution of this Cooperative Agreement and the proceedings taken by the Recipient are in all respects due and proper and in accordance with applicable State and local law. I further certify that, in my opinion, said Cooperative Agreement constitutes a legal and binding obligation of the Recipient in accordance with the terms thereof and certify that to the best of my knowledge there is no legislation or litigation pending or threatened which might affect the performance of the Project in accordance with the terms of this Cooperative Agreement.

Dated this _____ day of _____, 19_____.

SIGNATURE

TITLE AND ORGANIZATION

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
URBAN MASS TRANSPORTATION ADMINISTRATION

NOTIFICATION OF ASSISTANCE APPROVAL
23 U.S.C.
(TITLE 23 - CAPITAL ASSISTANCE)

Project No.

RECIPIENT:

ESTIMATED TOTAL PROJECT COST:

ESTIMATED NET PROJECT COST:

MAXIMUM FEDERAL SHARE:

OBLIGATION DATE:

SOURCES OF FEDERAL FINANCIAL ASSISTANCE:

DATE OF SECTION 13(c) CERTIFICATION LETTER
FROM THE DEPARTMENT OF LABOR:

PROJECT DESCRIPTION:

RECIPIENT ROLE:

FEDERAL ROLE:

DATE

REGIONAL DIRECTOR

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
URBAN MASS TRANSPORTATION ADMINISTRATION
COOPERATIVE AGREEMENT

23 U.S.C.
(TITLE 23)

PART I

THIS COOPERATIVE AGREEMENT, effective on the date specified in the Notification of Assistance Approval is entered into by and between the United States of America ("Government") and the Recipient named in the Notification of Assistance Approval.

In consideration of the mutual covenants, promises, and representations herein, the parties hereto agree as follows:

Sec. 1. Purpose of Cooperative Agreement - The purpose of this Cooperative Agreement is to provide for the undertaking of an urban mass transportation capital improvement project ("Project") with Government financial assistance to the Recipient in the form of a capital cooperative agreement ("Cooperative Agreement"), under the Federal-Aid Highway Act of 1973 ("Act"), and to state the terms and conditions upon which such assistance will be provided and the manner in which the Project will be undertaken and completed and the Project facilities/equipment used.

Sec. 2. The Project - The Recipient agrees to undertake and complete the Project, and to provide for the use of the Project facilities/equipment, substantially as described in its Application, incorporated herein by reference, filed with and approved by the Government, and in accordance with the terms and conditions of this Cooperative Agreement. The "Project Description" on the Notification of Assistance Approval describes the Project to be funded under this Cooperative Agreement.

Sec. 3. The Cooperative Agreement - In order to assist the Recipient in financing that portion of the total cost of the Project which the Department of Transportation (DOT) has determined cannot reasonably be financed from revenues of the public transportation system in which the Project facilities/equipment are to be used ("Net Project Cost"), such Net Project Cost being estimated to be that amount stated in the Notification of Assistance Approval, the Government will make available financial assistance in an amount equal to

_____ percent (%) of the actual Net Project Cost, as determined by DOT upon completion of the Project, or in the amount designated as Maximum Federal Share in the Notification of Assistance Approval, whichever is the lesser.

The obligation of the Government to make Federal Assistance payments in any fiscal year shall not exceed the amount provided in the Project Budget for the fiscal year in which requisitions therefor are submitted or drawdowns under letter of credit are made.

The Recipient agrees that it will provide from sources other than (a) Federal funds (except as may otherwise be authorized by Federal statute), (b) receipts from the use of the Project facilities/equipment, or (c) revenues of the public transportation system in which such facilities/equipment are used, funds in an amount sufficient, together with the Federal financial assistance, to assure payment of the actual Project Cost. The Recipient further agrees that no refund or reduction of the amount so provided will be made at any time, unless there is at the same time a refund to the Government of a proportional amount of the Federal assistance provided.

Sec. 4. Use of Project Facilities/Equipment. The Recipient agrees to observe the property management standards as set forth in OMB Circular A-102, Attachment N, or OMB Circular A-110, Attachment N, as appropriate, as now or hereafter amended. Exceptions to the requirements of Attachment N must be specifically approved by UMTA. If, during the period, any Project facilities/equipment are not used in mass transportation service, whether by planned withdrawal or casualty loss, the Recipient shall immediately notify the Government and shall remit to the Government a proportional amount of the fair market value, if any, of the ratio of the financial assistance provided by the Government to the actual cost of the Project. Fair market value shall be deemed to be the value of the property as determined by competent appraisal at the time of such withdrawal from use or misuse, or the net proceeds from public sale, whichever is approved by UMTA. In the event of loss due to casualty or fire, the damages paid by the insurance carrier or payable from the self-insured reserve account shall be considered fair market value. In no event is salvage value to be considered fair market value.

The Recipient shall keep satisfactory records with regard to the use of the property and submit to the Government upon request such information as is required in order to assure compliance with this Section and shall immediately

Sec. 5. Labor Protection - The Recipient agrees to undertake, carry out, and complete the Project under the terms and conditions determined by the Secretary of Labor to be fair and equitable to protect the interests of employees affected by the Project and meeting the requirements of section 13(c) of the Act, 49 U.S.C. § 1609(c) and Department of Labor Regulations at 29 C.F.R. Part 215.

These terms and conditions are identified in the letter of certification to the Government from the Department of Labor on the date set forth in the Notification of Assistance Approval, which letter and any documents cited in that letter are incorporated into this Cooperative Agreement by reference. The Cooperative Agreement is subject to the conditions stated in the Department of Labor letter.

Sec. 6. The Cooperative Agreement - The Cooperative Agreement consists of the Notification of Assistance Approval; this Part I, Form UMTA F 2010, Rev. 5/20/80, entitled Cooperative Agreement; and Part II, Form UMTA F 5E, Rev. 5/20/80, entitled Urban Mass Transportation Agreement, Terms and Conditions. Should the Cooperative Agreement award letter include special conditions for this Project, that letter is incorporated herein by reference and made part of this Cooperative Agreement. The latest approved Project Budget is incorporated herein by reference and made part of this Cooperative Agreement. Amendments to any of these documents shall require a formal amendment to this Cooperative Agreement, except that reallocations of funds among budget items or fiscal years which do not increase the total amount of the Federal financial assistance shall only require prior authorization from UMTA and the issuance of a New Project Budget.

Sec. 7. Execution of Cooperative Agreement. This Cooperative Agreement may be simultaneously executed in several counterparts, each of which shall be deemed to be an original having identical legal effect. When signed by the Government, this Cooperative Agreement should be executed by the Recipient within ninety (90) days after the Obligation Date. The Government may withdraw its obligation hereunder if the Cooperative Agreement is not executed within the above ninety-day period. The effective date of the Cooperative Agreement shall be the Obligation Date.

The Recipient does hereby ratify and adopt all statements, representations, warranties, covenants, and materials submitted by it, and does hereby accept the Government's award of financial assistance and agrees to all of the terms and conditions of this Cooperative Agreement.

Executed this _____ day of _____, 19____.

WITNESSES: _____ BY: _____

TITLE AND ORGANIZATION

TITLE AND ORGANIZATION

Certificate of Recipient's Attorney

I, _____, acting as Attorney for the Recipient do hereby certify that I have examined this Cooperative Agreement and have ascertained that execution of the Cooperative Agreement was authorized on the date of _____. A copy of this authorization is attached or has previously been submitted to UMTA. The execution of this Cooperative Agreement and the proceedings taken by the Recipient are in all respects due and proper and in accordance with applicable State and local law. I further certify that, in my opinion, said Cooperative Agreement constitutes a legal and binding obligation of the Recipient in accordance with the terms thereof and certify that to the best of my knowledge there is no legislation or litigation pending or threatened which might affect the performance of the Project in accordance with the terms of this Cooperative Agreement.

Dated this _____ day of _____, 19____.

SIGNATURE

TITLE AND ORGANIZATION

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APPENDIX 3

PREPARATION AND ASSEMBLY OF UMTA
APPROVAL/PRESS RELEASE PACKAGES FOR
SECTION 16(b)(2) PROJECTS

Appendix 3
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SECTION I

COMPONENTS OF REGIONAL APPROVAL
PACKAGES - SECTION 16(b)(2)

Preparation/Typing

- (1) Approval Memo. The approval memo is to be typed on standard white memo paper, plus one concurrence yellow (see Exhibit A). The memo should be from the recommending official to the Regional Administrator.
- (2) Award Letter to the Grantee. The award letter is typed on regional office letterhead stationery, plus one concurrence yellow. A copy of the sample format may be found in Exhibit B. The signature block will be that of the Regional Administrator.
- (3) Project Budget. The budget is typed on plain bond (no yellow). Do not date (see Exhibit C).
- (4) Grant Contract. This is the standard grant contract (see Exhibits D and E).
- (5) "Proposed Award Of Contract or Grant" (UMTA F-101) Prepare one for each approval (see Appendix 1, Exhibit D).

SECTION II

ASSEMBLY OF REGIONAL APPROVAL PACKAGES
SECTION 16(b)(2)

(See Section I for definition of various forms and documents)

- A. Introduction. Each regional approval package should contain the following documents. Placement within the folder is at the discretion of the Regional Administrator, but the following is suggested:
- B. Assembly and Placement.
1. The routing slip (designed by each regional office according to desired internal routing) is stapled to the outer cover of the package folder.
 2. Inside, on the left, place:
 - (a) The original approval memo.
 - (b) Copy of proposed project budget.Cover all with a plastic Executive Correspondence Sheet.
 3. Inside, on the right, place:
 - (a) The award letter (original).
 - (b) Five copies of the grant contract including cover sheet.
 - (c) Part II, Terms and Conditions.
 - (d) Original copy of the budget (to be mailed to the grantee).
 - (e) A copy of "OMB Circular A-102" revised, "Uniform Administrative Requirements for Grants-In-Aid to State and Local Governments," September 1977.
 - (f) Original SF-424.

4. In the middle, unattached to either side, clip together the following (press release packages):
 - (a) Copy of approval memo.
 - (b) Two (2) copies of proposed award forms (original and one copy) stamped "ADVANCE."

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SECTION III

EXHIBITS

GRANT APPROVAL: Urban Mass Transportation
Administration Capital Grant Project No. ST-16-0000

Action Officer

Regional Administrator

1. Applicant: State Transportation Authority on behalf of
nine organizations.

NON-URBANIZED AREAS

1. Children's Center - City
2. State School Association - City
3. State School for Retarded Children - City
4. Lions Club - City

URBANIZED AREAS

1. Senior Citizens Club - City
2. Health Center, Inc. - City
3. Community Services, Inc. - City
4. Southern City Citizens - City
5. City Products, Inc. - City

2. Summary of Project Budget: The applicant has requested
and 80 percent UMTA grant in the maximum amount of
\$ _____.

UMTA Grant (80%)	\$
Local Contribution (20)%	\$

Total Project Cost	\$

3. Project: The project consists of the following:
- | | |
|--|----------|
| (a) Purchase of one 5-9 passenger station wagon | \$ 0,000 |
| (b) Purchase of fifteen 10-16 passenger vehicles,
9 lifted-equipped | 000,000 |
| (c) Contingencies | 0,000 |
| (d) Grant administration costs | 0,000 |

Normally, total project cost is reduced by revenues gained from the sale of vehicles and equipment to be replaced. This procedure is considered inappropriate for this program. Deducting the fair market value of vehicles to be replaced puts an undue burden on private non-profit organizations and would potentially violate Congressional intent with regard to Section 16(b)(2). Unlike their public agency counterparts, these organizations do not have a certain revenue base, and must depend on the vagaries of donations from individuals, corporation and public agencies. Likewise, most private non-profit organizations are not capable of financing their capital needs through revenues.

4. Project Evaluation: The project described in paragraph two reflects the results of the continuation of the Section 16(b)(2) program FY 1976. This program assists private non-profit organizations providing transportation service to elderly and handicapped persons in the purchase of capital equipment and facilities. The Governor of each State designated an agency to administer the program at the State level.

Each State-designated agency was responsible for developing project selection criteria, working with local areas in the development of local transit programs, choosing local project applications based on the selection criteria, submitting of a statewide application to UMTA, vehicle and equipment procurement, and monitoring and evaluating approved projects.

In projects involving the purchase of rolling stock, vendors of motors vehicles will be required to provide a warranty to compliance with the air pollution criteria established by the Environmental Protection Agency.

5. Fiscal and Managerial Capability: Pursuant to Section 3(a) of the Act, there is ample basis for the determination that the applicant and the individual organizations proposing to operate these vehicles and equipment have or will have:
 - a. The legal, financial and technical capacity to carry out the proposed project; and
 - b. Satisfactory continuing control, through operation or lease or otherwise, over the use of facilities and equipment.
6. Public Hearing Requirements: The Section 3(d) requirement that certification be made if a public hearing was held is considered inappropriate for this program. The service to be provided, as well as the clientele to be served, are of specialized nature which does not affect the public at large. Secondly, this legislation was enacted as a result of the presentation of views by parties with significant interest improving transportation for elderly and handicapped persons.
7. Participation of Private Mass Transportation Companies: Sections 3(c) and 8(e) of the Act require, among other things, that the mass transportation programs of UMTA recipients must, to the maximum extent feasible, provide for the participation of private mass transportation companies. Based upon the assurance of the State in Exhibit V-H, private transit and paratransit operators have been accorded a fair and timely opportunity to participate to the maximum extent feasible in the provision of the proposed special transportation services for the elderly and handicapped persons in the service area.
8. Charter and School Bus Provision: Sections 3(f) and 3(g) are deemed inappropriate for 16(b)(2) projects inasmuch as they were intended to apply to mass transit systems and not to the specialized services provided by 16(b)(2) applicants.
9. Planning Requirements: The FY 76 Section 16(b)(2) procedures require that projects in urbanized areas meet the full planning requirements of the UMTA/FHWA joint planning and programming regulations. This means that the project must be included in the annual element of the Transportation

Improvement Program (TIP) prior to approval by UMTA. All projects from urbanized areas recommended for approval are included in the TIP.

In non-urbanized areas a transit development program must be prepared covering the service area of each 16(b)(2) applicant. Although not a major activity, this program must address basic planning and operational issues such as present and potential supply and demand of transportation services and sources of local financing. The existence of this program is a condition of eligibility; however, this requirement may be waived if the State provides an assurance that an integrated transit development program will be prepared within 12 months of grant contract execution. Virginia has provided such an assurance for all projects submitted from non-urbanized areas.

12. Section 16(b)(2) Finding: The services proposed in the applications recommended for funding are necessary because services provided or offered to be provided by existing public or private transit or paratransit operators are unavailable, insufficient, or inappropriate to meet the special needs of elderly and/or handicapped persons within the service area. UMTA has been assured of this by the State in Exhibit V-H. If potential competitors of the proposed service object to the application for UMTA assistance, each State has submitted sufficient documentation and evaluation to sustain the position of the private non-profit organizations.
13. Civil Rights Review: The Office of Civil Rights has reviewed and concurs in the application.

Recommended for Concurrence:

Civil Rights Officer, UMTA Region _____ Date _____

14. Fund Prevalidation: Funds in the maximum amount of _____ have been prevalidated for Project No. _____.

Action Officer, UMTA Region _____ Date _____

15. Opinion of Counsel: I am of the opinion that both the applicant and the project are legally eligible for the grant assistance proposed to be extended.

I have also reviewed this Approval Memorandum and I am of the opinion that all of the discretionary findings and determinations made are in accord with the Act and are supported by adequate legal documentation.

Regional Counsel, UMTA Region _____

Date _____

Recommendation: Based on the above, I recommend approval of this project. Funds in the amount of \$114,024 have been reserved under the contract authority provisions of the 1970 amendments to the Urban Mass Transportation Act of 1964. All of the discretionary findings and determinations have been made in accordance with the Act.

CONCUR: _____

Chief, Office of Grants
Assistance

Date: _____

APPROVED: _____

Regional Administrator

Date: _____

JAN 19 1981

DEPARTMENT OF TRANSPORTATION
URBAN MASS TRANSPORTATION ADMINISTRATION
WASHINGTON, D.C. 29590

Re: Project No.:

Dear _____:

I am pleased to advise you that the application of the _____ for a capital grant under Section 16(b)(2) of the Urban Mass Transportation Act of 1964, as amended, has been approved in the maximum amount of \$ _____. We have reserved this amount for the project. A list of the names of the private nonprofit organizations that have been funded under this application is enclosed.

The Urban Mass Transportation Administration (UMTA) is committed to assisting States and localities in providing improved public transportation of the nation's elderly and handicapped. Approval of your request under UMTA's program of assistance for private nonprofit corporations represents a significant commitment to this important objective. As these projects are implemented, we look forward to close State monitoring of the achievements of individual private nonprofit organizations, so that both the State and Federal governments will be in a better position to effectively provide and improve public transportation for this important group of citizens.

To assist your staff in administering this project we are enclosing a copy of OMB Circular A-102, "Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments," which should be used in conjunction with applicable State and local regulations and established UMTA procedures. Two copies of the approved project budget are also provided.

In addition, four (4) counterparts of an Offer of Contractual Assistance executed on behalf of this Administration are included. Each should be executed in accordance with appropriate proceedings and certified by your Attorney. If your Attorney is unable to make the certification for any reason, please notify UMTA immediately. Two copies of the executed counterparts

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should be returned to: _____

_____ within ninety (90) days of the date appearing on this letter of transmittal. In the event the counterparts cannot be returned within the ninety (90)-day period, UMTA should be immediately notified by letter setting forth the reason for the delay and requesting an extension of the offer.

We are looking forward to working with you in carrying out this worthwhile project.

Sincerely,

Regional Administrator
Region _____

OBLIGATION DATE: _____

Enclosures

JAN 19 1981

The names of the private nonprofit organizations that have been approved under the application of the (the designated State Agency) for a capital grant in the amount of \$ under Section 16(b)(2) of the Urban Mass Transportation Act of 1964, are listed below:

URBANIZED AREAS

1. Name of organization and location
- 2.
- 3.
- 4.
- 5.

NON-URBANIZED AREAS

- 1.
- 2.
- 3.
- 4.
- 5.

JAN 19 1981

APPROVED PROJECTED BUDGET

PROJECT NO.: ST-16-0000
GRANT: STATE TRANSPORTATION AUTHORITY

The project budget and corresponding cost estimates are as follows:

<u>LINE ITEM CODE</u>	<u>DESCRIPTION</u>	<u>COST ESTIMATE</u>
10.02.01	Purchase of two station wagons	\$ 00,000
10.01.81	Purchase of sixteen 5-to-9-passenger vans, twelve with wheelchair lifts	\$ 00,000
10.01.71	Purchase of five up-to-30 passenger vehicles, two with wheelchair lifts, one with ramp	0,000
10.02.08	Purchase of Communications Equipment	0,000
10.16.00	Grant Administration Costs	0,000
32.00.00	Contingencies	<u>0,000</u>
Estimated Project Cost		<u>\$000,000</u>

Federal Grant (80%)	\$000,000
Local Share (20%)	00,000

CASH DISBURSEMENT

1st Quarter FY'78	\$00,000
2nd Quarter FY'78	00,000
3rd Quarter FY'78	000
4th Quarter FY'78	0,000
FY'79	00,000

INSTRUCTIONS FOR EXECUTING AGREEMENTS

Attached are four (4) copies of a Grant Agreement which have been signed on behalf of the Urban Mass Transportation Administration.

The person officially authorized by the Grantee to accept the Government's award of financial assistance should execute the Grant Agreements. This execution should be witnessed.

The attorney's certification should specify the date the Grantee authorized the execution of the Government's award. That will be the date of the resolution ordinance, board minutes, delegation order or other "official action," not the date of execution of the Grant Agreement (unless the execution took place on the same day it was authorized).

Please return two complete copies of the executed Grant Agreements to:

Regional Counsel
Urban Mass Transportation Administration
Suite/Room
Address
City, State, Zip Code

Please also send with the Grant Agreements two certified copies of the document which authorizes execution of the award. If the execution was authorized by statute and further delegated, please be sure to cite the statute and send a copy of the delegation of authority to execute to the above address.

In the event the Grant Agreements cannot be returned within the ninety (90) day period, please notify the Regional Counsel immediately in writing setting forth the reason for delay and requesting an extension.

JAN 19 1981

JAN 19 1981

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
URBAN MASS TRANSPORTATION ADMINISTRATION

NOTIFICATION OF GRANT APPROVAL
49 U.S.C. 1612(b) (2)
(SECTION 16(b) (2) - CAPITAL ASSISTANCE)

Project No.

GRANTEE:

ESTIMATED TOTAL PROJECT COST:

MAXIMUM FEDERAL SHARE:

OBLIGATION DATE:

SOURCES OF FEDERAL FINANCIAL ASSISTANCE:

PROJECT DESCRIPTION:

DATE

REGIONAL DIRECTOR

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UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
URBAN MASS TRANSPORTATION ADMINISTRATION
GRANT

49 U.S.C. 1612(b)(2)
(SECTION 16(b)(2) - CAPITAL ASSISTANCE)

PART I

Project No.

THIS GRANT, effective on the date specified in the Notification of Grant Approval is entered into by and between the United States of America ("Government") and the Grantee named in the Notification of Grant Approval.

In consideration of the mutual covenants, promises and representations herein, the parties hereto agree as follows:

Sec. 1. Purpose of Grant - The purpose of this Grant is to provide for the undertaking of a capital improvement project ("Project"), with Government financial assistance to the Grantee in the form of a capital grant ("Grant"), for the specific purpose of assisting private nonprofit corporations and associations in providing transportation services meeting the special needs of elderly and handicapped persons for whom mass transportation services are unavailable, insufficient or inappropriate, under Section 16(b)(2) of the Urban Mass Transportation Act of 1964, as amended ("Act"), and to state the terms and conditions upon which such assistance to the private nonprofit corporation or association ("Contractor"), will be provided and the understandings as to the manner in which the Project will be undertaken and completed and the Project facilities/equipment will be used.

Sec. 2. The Project - The Grantee agrees to undertake, carry out, and complete the Project, and to provide for the use of Project facilities and equipment, substantially as described in its Application filed with, and approved by, the Government and herewith incorporated by reference, and in accordance with the terms and conditions of this Grant.

Sec. 3. The Grant In order to assist the Grantee in financing the cost of the Project, which cost is estimated to be that amount stated in the Notification of Grant Approval,

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the Government will make a Grant in an amount equal to _____ percent (%) of the actual cost of the Project, as determined by the Department of Transportation (DOT), or in the amount designated as Maximum Federal Share in the Notification of Grant Approval, whichever is the lesser.

The obligation of the Government to make Federal Grant payments in any fiscal year shall not exceed the amount provided in the Project Budget for the fiscal year in which requisitions therefor are submitted or drawdowns under letter of credit are made.

The Grantee agrees that it will provide from sources other than Federal funds (except as may otherwise be authorized by statute), funds in the amount sufficient, together with the Grant, to assure payment of the actual Project cost. The Grantee further agrees that no refund or reduction of the amount so provided will be made at any time, unless there is at the same time a refund to the Government of a proportional amount of the Grant.

Sec. 4. Agreements with Private Non-profit Corporations and Associations - The Grantee shall enter into a written Agreement with each private nonprofit corporation and association included in its Application filed with, and approved by, the Government, which shall state the terms and conditions of assistance under the Project and the manner in which the Project will be undertaken and completed.

Sec. 5. Use of Project Facilities/Equipment. The Grantee agrees to observe the property management standards as set forth in OMB Circular A-102, Attachment N, or OMB Circular A-110, Attachment N, as may be appropriate, as now or hereafter amended. Exceptions to the requirements of Attachment N must be specifically approved by UMTA. The Grantee further agrees that the Project facilities/equipment shall be used for the provision of transportation service within the area and in the manner described in the Project Description. If, at any time, Project facilities/equipment are not used in this manner or are withdrawn from transportation service whether by planned withdrawal or casualty loss, the Grantee shall immediately notify the Government and shall remit to the Government a proportional amount of the fair market value, if any, of the property, which shall be determined on the basis of the ratio of the financial assistance made by the Government to the actual cost of the Project. Fair market value shall be deemed to be the value of the property as determined by competent appraisal at the time of such withdrawal from use or misuse, or the net proceeds from public sale, whichever is approved by UMTA. In the event of loss due to casualty or fire, the damages paid by the insurance carrier or payable from the self-insured reserve account shall be considered fair market value. In no event is salvage value to be considered fair market value.

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The Grantee shall require each Contractor to keep satisfactory records with regard to the use of the property and submit to the Government upon request such information as is required in order to assure compliance with this Section and shall immediately notify UMTA in all cases in which Project facilities/equipment are used in a manner substantially different from that described in the Project Description. The Grantee shall maintain in amount and form satisfactory to the Government such insurance or self-insurance as will be adequate to protect Project facilities/equipment throughout the period of required use. The cost of such insurance shall not be an item of allowable cost. The Grantee shall also submit to the Government at the beginning of each calendar year during such period, a certification that the Project facilities/equipment are still being used in accordance with the terms of this Section and that no part of the local contribution to the cost of the Project has been refunded or reduced.

Sec. 6. Comprehensive Planning - The Grantee shall assure that the Project to be performed in an urbanized area must comply with the requirements of Section 8 of the Act and implementing regulations. Projects being performed outside an urbanized area must be included in the appropriate transit development program and performed in accordance therewith.

Sec. 7. The Grant - This Grant consists of the Notification of Grant Approval; this Part I, Form UMTA F 2020, dated 6/9/80 entitled Grant; and Part II, Form UMTA F6A, dated 6/9/80 entitled Urban Mass Transportation Grant Agreement, Terms and Conditions. Should the grant award letter include special conditions for this Project, that letter is incorporated herein by reference and made part of this Grant. Amendments to any of these documents shall require a formal amendment to this Grant, except that reallocations of funds among budget items or fiscal years which do not increase the total amount of the Federal grant shall only require prior authorization from UMTA and the issuance of a New Project Budget.

Sec. 8. Execution of Grant - This Grant may be simultaneously executed in several counterparts, each of which shall be deemed to be an original having identical legal effect. When signed by the Government, this Grant should be executed by the Grantee within ninety (90) days after the Obligation Date. The Government may withdraw its obligation hereunder if the Grant is not executed within the above ninety day period. The effective date of the Grant shall be the Obligation Date.

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The Grantee does hereby ratify and adopt all statements, representations, warranties, covenants, and materials submitted by it, and does hereby accept the Government's award of financial assistance and agrees to all of the terms and conditions of this Grant.

Executed this _____ day of _____, 19_____.

ATTEST: _____

BY: _____

TITLE AND ORGANIZATION

TITLE AND ORGANIZATION

Certificate of Grantee's Attorney

I, _____, acting as Attorney for the Grantee do hereby certify that I have examined this Grant and have ascertained that execution of the Grant Agreement was authorized on the date of _____. A copy of this authorization is attached or has previously been submitted to UMTA. The execution of this Grant Agreement and the proceedings taken by the Grantee are in all respects due and proper and in accordance with applicable State and local law. I further certify that, in my opinion, said Grant constitutes a legal and binding obligation of the Grantee in accordance with the terms thereof and certify that to the best of my knowledge there is no legislation or litigation pending or threatened which might affect the performance of the Project in accordance with the terms of this Grant.

Dated this _____ day of _____, 19_____.

SIGNATURE

TITLE AND ORGANIZATION

DEPARTMENT OF TRANSPORTATION
URBAN MASS TRANSPORTATION ADMINISTRATION
GRANT AGREEMENT FOR SECTION 16(b) (2)

PART II -- TERMS AND CONDITIONS

Constituting part of the GRANT AGREEMENT providing for federal financial assistance under the provisions of the Urban Mass Transportation Act of 1964, as amended.

Section 101. Definitions. As used in this Agreement:

"Application" means the signed and dated proposal for federal financial assistance for the Project, together with all explanatory, supporting, and supplementary documents heretofore filed with UMTA by or on behalf of the Grantee, which has been accepted and approved by UMTA.

"Approval, Authorization, Concurrence, Waiver" means a conscious, written act by an authorized official of the Government granting permission to the Grantee to perform an act pursuant to this Grant Agreement which could not be performed without such permission. An approval, authorization, concurrence, or waiver permitting the performance of a specific act shall not constitute permission to perform similar acts unless such broad permission is clearly stated. Oral permission or interpretations shall have no legal force or effect.

"Government" means the United States of America, or its cognizant Agency, the Department of Transportation (DOT) or its Agency, the Urban Mass Transportation Administration (UMTA) used hereafter interchangeably.

"Grantee" means any entity that receives federal financial assistance for UMTA for the accomplishment of the Project. The term "Grantee" includes any entity or organization to which federal funds have been passed through for the accomplishment of the Project.

"Guidelines" mean the most recently dated document which sets forth procedures designed to assist the Grantee in performing the obligations imposed by the Grant.

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"Project" means the task or set of tasks provided for in the Project budget which the Grantee undertakes to perform pursuant to the Agreement with UMTA. It includes all of the activities to be performed by the Grantee with regard to its urban transportation program pursuant to this Grant Agreement which activities are not otherwise specifically provided for in the Grant.

"Project Budget" means the most recently dated statement, approved by UMTA, of the estimated total cost of the Project, the items to be deducted from such total in order to calculate the estimated net project cost, the maximum amount of the federal grant for which the Grantee is currently eligible, the specific items (including contingencies and relocation) for which the total may be spent, the estimated cost of each of such items, and the maximum amount of federal funds which may be disbursed in any fiscal year.

"Secretary" means Secretary of the Department of Transportation or his duly authorized designee.

Section 102. Accomplishment of the Project.

- (a) General Requirements. The Grantee shall commence, carry on, and complete the Project with all practicable dispatch, in a sound, economical, and efficient manner, and in accordance with the provisions hereof, the Application, and all applicable laws and regulations.
- (b) Pursuant to Federal, State, and Local Law. In performance of its obligations pursuant to this Grant Agreement, the Grantee and its contractors shall comply with all applicable provisions of Federal, State, and local law. All limits or standards set forth in this Grant Agreement to be observed in the performance of the Project are minimum requirements, and shall not affect the application of more restrictive State or local standards for the performance of the Project; Provided, however, in its procurement actions pursuant to the Project, the Grantee shall not give any preference to or discriminate against goods and services produced or manufactured in any country, State, or other geographical area except as provided in Section 112 below. The Grantee agrees further that notwithstanding the requirements in Section 112, no federal funds shall be used to support procurements utilizing exclusionary or discriminatory specifications, nor shall federal funds be used for the payment of ordinary governmental or nonproject operating expenses.
- (c) Funds of the Grantee. The Grantee shall initiate and prosecute to completion all proceedings necessary to enable the Grantee to provide its share of the Project costs at or prior to the time that such funds are needed to meet Project costs.

- (d) Submission of Proceedings, Contract and Other Documents. The Grantee shall submit to the Government such data, reports, records, contracts and other documents relating to the Project as the Government may require. The Grantee shall retain intact, for three years following Project close-out, all Project documents, financial records, and supporting documents.
- (e) Changed Conditions Affecting Performance. The Grantee shall immediately notify UMTA of any change in conditions or local law, or of any other event, which may significantly affect its ability to perform the Project in accordance with the provisions of this Grant Agreement.
- (f) No Government Obligations to Third Parties. The Government shall not be subject to any obligations or liabilities by contractors of the Grantee or their subcontractors or any other person not a party to this Grant Agreement in connection with the performance of this Project without its specific consent and notwithstanding its concurrence in or approval of the award of any contract or sub-contract or the solicitation thereof.

Section 103. The Project Budget. A Project Budget shall be prepared and maintained by the Grantee. The Grantee shall carry out the Project and shall incur obligations against and make disbursements of Project Funds only in conformity with the latest approved budget for the Project. The Project Budget may be revised from time to time, in accordance with UMTA Guidelines.

Section 104. Accounting Records.

- (a) Project Accounts. The Grantee shall establish and maintain as a separate set of accounts, or within the framework of an established accounting system, accounts for the Project in the manner consistent with Office of Management and Budget (OMB) Circular A-102, as amended, or A-110, as appropriate.
- (b) Funds Received or Made Available for the Project. In accordance with the provisions of Circular A-102 as amended, or A-110, as appropriate, the Grantee shall record in the Project Account, and deposit in a bank or trust company which is a member of the Federal Deposit Insurance Corporation, all Project payments received by it from the Government pursuant to this Grant Agreement and all other funds provided for, accruing to, or otherwise received on account of the Project, ("Project Funds"). Any balances exceeding the FDIC coverage must be collaterally secured as provided in 12 U.S.C. § 265 and implementing regulations or in applicable UMTA procedures. A separate bank account may be required when drawdowns are made by letter of credit.

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(c) Allowable Costs. Expenditures made by the Grantee shall be reimbursable as allowable costs to the extent that they meet all of the requirements set forth below. They must:

(1) be made in conformance with the Project Description and the Project Budget and all other provisions of this Agreement;

(2) be necessary in order to accomplish the Project;

(3) be reasonable in amount for the goods or services purchased;

(4) be actual net costs to the Grantee (i.e., the price paid minus any refunds, rebates, or other items of value received by the Grantee that have the effect of reducing the cost actually incurred);

(5) be incurred (and be for work performed) after the date of the Grant application submitted to UMTA, unless specific authorization from UMTA to the contrary is received.

(6) in the case of States, be in conformance with the standards for allowability of costs set forth in Federal Management Circular (FMC) 74-4 and with any guidelines or regulations issued by UMTA; in the case of Projects with educational institutions, the standards for allowability of costs set forth in Office of Management and Budget (OMB) Circular A-21 Revised, rather than the standards of FMC 74-4, shall apply;

(7) be satisfactorily documented; and

(8) be treated uniformly and consistently under accounting principles and procedures approved or prescribed by UMTA for the Grantee; and those approved or prescribed by the Grantee for its contractors.

(d) Documentation of Project Costs. All costs charged to the Project, including any approved services contributed by the Grantee or others, shall be supported by properly executed payrolls, time records, invoices, contracts, or vouchers evidencing in detail the nature and propriety of the charges.

(e) Checks, Orders, and Vouchers. Any check or order drawn by the Grantee with respect to any item that is or will be chargeable against the Project Account will be drawn only in accordance with a properly signed voucher then on file in the office of the Grantee stating in proper detail the purpose for which such check or order is drawn. All checks, payrolls, invoices, contracts, vouchers, orders, or other accounting documents pertaining in whole or in part to the Project shall be clearly identified, readily accessible, and, to the extent feasible, kept separate and apart from all other such documents.

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- (f) Audit and Inspection. The Grantee shall permit, and shall require its contractors to permit, the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives to inspect all work, materials, payrolls, and other data and records with regard to the Project, and to audit the books, records, and accounts of the Grantee and its contractors with regard to the Project. Grantees that are State or local governments or Indian tribal governments shall be responsible for meeting the audit requirements of OMB Circular A-102, Attachment P, or any revision or supplement thereto. UMTA also may require the Grantee to furnish at any time prior to close-out of the Project, audit reports prepared in accordance with generally accepted accounting principles.

Section 105. Requisitions and Payments.

- (a) Requests for Payment by the Grantee. The Grantee may make requests for payment of the federal share of allowable costs, and UMTA will honor such requests in the manner set forth in this section. Payments made to Grantees must comply with 31 C.F.R. Part 205. In order to receive federal grant payments, the Grantee must:
- (1) completely execute and submit to UMTA the information required by Standard Form 270;
 - (2) submit to UMTA an explanation of the purposes for which costs have been incurred to date or are reasonably expected to be incurred within the requisition period (not more than 30 days after the date of submission);
 - (3) demonstrate or certify that it has supplied local funds adequate, when combined with the federal payments, to cover all costs to be incurred to the end of the requisition period;
 - (4) have submitted to UMTA all financial and progress reports required to date under this Agreement; and
 - (5) identify the source(s) of financial assistance provided under this Project from which the payment is to be derived.
- (b) Payment by the Government. Upon receipt of the requisition and the accompanying information in satisfactory form, the Government will process the requisition if the Grantee is complying with its obligations pursuant to the Grant Agreement, has satisfied UMTA of its need for the federal funds requested during the requisition period, and is making adequate progress towards the timely completion of the project. If all of these circumstances are found to exist,

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the Government will reimburse apparent allowable costs incurred (or to be incurred during the requisition period) by the Grantee up to the maximum amount of the federal grant payable through the fiscal year in which the requisition is submitted as stated in the Project Budget. However, reimbursement of any cost pursuant to this section shall not constitute a final determination by the Government of the allowability of such cost and shall not constitute a waiver of any violation of the terms of this Grant Agreement committed by the Grantee. The Government will make a final determination as to allowability only after final audit of the Project has been conducted.

In the event that UMTA determines that the Grantee is not currently eligible to receive any or all of the federal funds requested, it shall promptly notify the Grantee stating the reasons for such determination.

- (c) Disallowed Costs. In determining the amount of the Grant, UMTA will exclude all Project costs incurred by the Grantee prior to the date of this Grant Agreement, or prior to the date of the approved budget for the Project, whichever is earlier unless an authorized representative of UMTA advises in writing to the contrary, or as any costs incurred by the Grantee which are not provided for in the latest approved budget for the Project; and any costs attributable to goods or services received under a contract or other arrangement which has not been concurred in or approved in writing by UMTA. Exceptions to the above statement on disallowed costs are contained in written guidance from UMTA.
- (d) Letter of Credit. Should a letter of credit be issued to the Grantee, the following terms and conditions in conformance with 31 C.F.R. Part 205, are applicable:
- (1) the Grantee shall initiate cash drawdowns only when actually needed for Project disbursement.
 - (2) the Grantee shall report its cash disbursements and balances in a timely manner as required by the Government.
 - (3) the Grantee shall provide for effective control and accountability for all Project funds in accordance with requirements and procedures issued by the Government for use of the letter of credit.
 - (4) the Grantee shall impose on any subgrantee authorized to draw down under the Grantee's letter of credit all the requirements of Section 105(d) (1) (2) and (3) above as applicable.
 - (5) should the Grantee fail to adhere to the requirements of Section 105(d) (1) (2) (3) and (4) above, the Government may revoke the unobligated portion of the letter of credit.

- (6) Section 105 (a) (b) and (c) above remain effective to the extent that they do not conflict with the provisions of section 105(d).
- (e) Interest on Late Payments. Upon notice by UMTA to the Grantee of specific amounts due the Government, the Grantee shall promptly remit any excess payment of amounts or disallowed costs to UMTA. Interest may be assessed from the time of notice and charged for any amounts due to the Government that are not paid as set forth in the Treasury Fiscal Requirements Manual.

Section 106. Right of Government to Terminate. Upon written notice to the Grantee, the Government reserves the right to suspend or terminate all or part of the financial assistance provided herein if the Grantee is, or has been, in violation of the terms of this Grant Agreement or if UMTA determines that the purpose of the Act would not be adequately served by continuation of federal financial assistance for the Project. Any failure to make progress or other violation of the Grant Agreement which significantly endangers substantial performance of the Project within a reasonable time shall be deemed to be a violation of the terms of this Grant Agreement. Termination of any part of the financial assistance will not invalidate obligations properly incurred by the Grantee and concurred in by UMTA prior to the date of termination, to the extent they are noncancellable. The acceptance of a remittance by the Government of any or all Project Funds previously received by the Grantee or the closing out of federal financial participation in the Project shall not constitute a waiver of any claim which the Government may otherwise have arising out of this Grant Agreement.

Section 107. Project Completion, Settlement and Close-out. Upon successful completion of the Project or upon termination by UMTA, the Grantee shall, within 90 days of the completion date of the Project, submit a final Financial Status Report (Standard Form 269), a certification or summary of Project expenses. The Grantee in accordance with procedures provided by UMTA, will perform a final audit of the Project to determine the allowability of costs incurred, and will make settlement of the federal grant described in Part I of this Grant Agreement. Project close-out occurs when UMTA notifies the Grantee and forwards the final grant payment or when an appropriate refund of federal grant funds has been received from the Grantee and acknowledged by UMTA. Closeout shall not invalidate any continuing obligations imposed on the Grantee by this Grant Agreement or contained in the final notification or acknowledgment from UMTA.

Section 108. Contracts of the Grantee. The Grantee shall not execute any lease, pledge, mortgage, lien, or other contract touching or affecting Project facilities or equipment, nor shall it obligate itself in any other manner, with any third party with respect to the Project, unless such lease, pledge, mortgage, lien, contract, or other obligation is either in conformance with the standards of UMTA's Guidelines or is otherwise expressly authorized in writing by DOT; nor shall the Grantee or any organization that obtains facilities or equipment through this Grant, by any act or omission of any kind, impair its continuing control over the use of Project facilities or equipment. If UMTA has made payments

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to the Grantee in excess of the total amount of such federal assistance, the Grantee shall promptly remit to UMTA such excess and interest as may be required by Section 105(e).

Section 109. Restrictions, Prohibitions, Controls, and Labor Provisions.

(a) Equal Employment Opportunity. In connection with the carrying out of the Project, the Grantee shall not discriminate against any employee or applicant for employment because of race, color, age, creed, sex, or national origin. The Grantee shall take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, age or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Grantee shall insert the foregoing provision (modified only to show the particular contractual relationship) in all of its contracts in connection with the development or operation of the Project, except contracts for standard commercial supplies or raw materials of this Grant Agreement, and shall require all such contractors to insert a similar provision in all subcontracts, except subcontracts for standard commercial supplies or raw materials.

If, as a condition of assistance, the Grantee has submitted, and the Government has approved, an equal employment opportunity program that the Grantee agrees to carry out, such program is incorporated into this Grant Agreement by reference. Such program shall be treated as a contractual obligation; and failure to carry out the terms of that equal employment opportunity program shall be treated as a violation of this Grant Agreement. Upon notification to the Grantee of its failure to carry out the approved program, the Government will impose such remedies as it may deem appropriate, which remedies may include termination of the Grant Agreement as provided in Section 106 of this Grant Agreement or other measures that may affect the ability of the Grantee to obtain future financial assistance under the Urban Mass Transportation Act of 1964, as amended, or the Federal-Aid Highway Act of 1973, as amended.

(c) Minority and Women's Business Enterprise.

(1) MBE Obligation. The Grantee and its contractors agree to ensure that minority business enterprises as defined in 49 C.F.R. Part 23 have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with federal funds provided under this Agreement. In this regard all Grantees, recipients, and contractors shall take all necessary and reasonable steps in accordance with 49 C.F.R. Part 23 to ensure that minority business enterprises have the maximum opportunity to compete for and perform contracts. Grantees, recipients and their contractors shall not discriminate on the basis of race, color, national origin or sex in the award and performance of DOT-assisted contracts.

(2) If as a condition of assistance the Grantee has submitted and the Department has approved a minority business enterprise affirmative action program which the Grantee agrees to carry out, this program is incorporated into this financial assistance agreement by reference. This program shall be treated as a legal obligation and failure to carry out its terms shall be treated as a violation of this financial assistance agreement. Upon notification to the Grantee of its failure to carry out the approved program, the Department shall impose such sanctions as noted in 49 C.F.R. Part 23, Subpart E, which sanctions may include termination of the Agreement or other measures that may affect the ability of the Grantee to obtain future DOT financial assistance.

(3) The Grantee shall advise each subgrantee, recipient, contractor, and subcontractor that failure to carry out the requirements set forth in 23.43(a) shall constitute a breach of contract and, after the notification of the Department, may result in termination of the Agreement or contract by the Grantee or such remedy as the Grantee deems appropriate.

(4) Grantees shall take action concerning lessees as follows:

(A) Grantees shall not exclude MBE's from participation in business opportunities by entering into long-term, exclusive agreements with non-MBE's for operation of major transportation-related activities for the provision of goods and services to the facility or to the public or the facility.

(B) Grantees required to submit affirmative action programs under section 23.41(a)(2) or (a)(3) that have business opportunities for lessees shall submit to the Department for approval with their programs overall goals for the participation as lessees of firms owned and controlled by minorities and firms owned and controlled by women. These goals shall be for a specified period of time and shall be based on the factors listed in section 23.45(g)(5). Grantees shall review these goals at least annually, and whenever the goals expire. The review shall analyze projected versus actual MBE participation during the period covered by the review and any changes in factual circumstances affecting the selection of goals. Following each review, the Grantee shall submit new overall goals to the Department for approval. Grantees that fail to meet their goals for MBE lessees shall demonstrate to the Department in writing that they made reasonable efforts to meet the goals.

(C) Except as provided in this section, Grantees are required to include lessees in their affirmative action programs. Lessees themselves are not subject to the requirements of this Part, except for the obligation of section 23.7 to avoid discrimination against MBE's.

(5) The Grantee agrees to include the clauses in Subsection (1) and (2) of Section 109(b) above in all subsequent agreements between the Grantee and any subgrantee or recipient and in all subsequent DOT-assisted contracts between the Grantee or subgrantee and any third party contractor.

- (c) Title VI Civil Rights Rights Act of 1964. The Grantee will comply and will assure the compliance by recipients, contractors and subcontractors under this Project with all the requirements imposed by Title VI of the Civil Rights Act of 1964 (49 U.S.C. § 2000d), the Regulations of DOT issued thereunder, 49 C.F.R. Part 21, and the Assurance by the Grantee pursuant thereto.
- (d) Competition in Procurement. The Grantee shall comply with the Procurement Standards requirements set forth in Attachment O of OME Circular A-102, as amended or A-110, as may be appropriate; and with any supplementary guidelines or regulations as may be promulgated by the Government.
- (e) Awards for Rolling Stock and Buses. In accordance with regulations and guidelines issued by UMTA, the Grantee shall make third party contract awards for the acquisition of rolling stock, including buses, only after consideration of performance, standardization, and life-cycle costs, in addition to the consideration of initial capital costs. Where necessary, the Secretary will assist the Grantee in making such evaluations.
- (f) Ethics. The Grantee shall maintain a written code or standards of conduct which shall govern the performance of their officers, employees or agents engaged in the award and administration of contracts supported by federal funds. No employee, officer or agent of the Grantee shall participate in the selection, or in the award or administration of a contract supported by federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:
1. the employee, officer or agent;
 2. any member of his immediate family;
 3. his or her partner; or
 4. an organization which employs, or is about to employ, any of the above
- has a financial or other interest in the firm selected for award.

C.F.R.:

The Grantee's officers, employees or agents shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subagreements.

The Grantee may set minimum rules where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value.

To the extent permitted by State or local law or regulations, such standards of conduct shall provide for: penalties, sanctions, or other disciplinary actions for violations of such standards by the Grantee's officers, employees or agents, or by contractors or their agents.

- (c) Interest of Members of or Delegates to Congress. No member of or Delegate to the Congress of the United States shall be admitted to any share or part of this Grant Agreement or to any benefit arising therefrom.

Section 111. Environmental, Resource, Energy Protection, and Conservation Requirements.

- (a) Compliance with Environmental Standards. The Grantee shall comply with the provisions of the Clean Air Act, as amended (42 U.S.C. § 1857 et seq.); the Federal Water Pollution Control Act, as amended (33 U.S.C. § 1251 et seq.); and implementing regulations, in the facilities which are involved in the Project for which federal assistance is given. The Grantee shall ensure that the facilities under ownership, lease or supervision, whether directly or under contract, that shall be utilized in the accomplishment of the Project are not listed on the EPA's List of Violating Facilities. Contracts, subcontracts, and subgrants of amounts in excess of \$100,000 shall contain a provision which requires compliance with all applicable standards, orders, or requirements issued under Section 306 of the Clean Air Act (42 U.S.C. 1857(h)), Section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order No. 11738, and Environmental Protection Agency (EPA) regulations (40 C.F.R. Part 15). The Grantee and any third-party contractor thereof shall be responsible for reporting any violations to UMTA and to the EPA Assistant Administrator for Enforcement. In addition, the Grantee shall notify UMTA of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be utilized in the Project is under consideration for listing in EPA.
- (b) Air Pollution. No facilities or equipment shall be acquired, constructed, or improved as a part of the Project unless the Grantee obtains satisfactory assurances that they are (or will be) designed and equipped to limit air pollution in accordance with applicable federal standards.

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- (c) Use of Public Lands. No publicly owned land from a park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance as determined by the Federal, State or local officials having jurisdiction thereof, or any land from an historic site of national, State, or local significance as so determined by such officials may be used for the Project without the prior concurrence of DOT.
- (d) Historic Preservation. The Grantee shall assist UMTA in its compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), Executive Order No. 11593, and the Archeological and Historic Preservation Act of 1966 (16 U.S.C. 469a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 C.F.R. Part 800.8) by the activity, and notifying UMTA of the existence of any such properties, and by (b) complying with all requirements established by UMTA to avoid or mitigate adverse effects upon such properties.
- (e) Energy Conservation. The Grantee and its third party contractors shall recognize mandatory standards and policies relating to energy efficiency which are contained in the State energy conservation plan issued in compliance with the Energy Policy and Conservation Act (P.L. 94-163).

Section 111. Cargo Preference - Use of United States-Flag Vessels.

- (a) 46 U.S.C. § 1241 provides in pertinent part as follows:

(b) (1) Whenever the United States shall procure, contract for, or otherwise obtain for its own account, or shall furnish to or for the account of any foreign nation without provision for reimbursement, any equipment, materials, or commodities, within or without the United States, or shall advance funds or credits or guarantee the convertibility of foreign currencies in connection with the furnishing of such equipment, materials, or commodities, the appropriate agency or agencies shall take such steps as may be necessary and practicable to assure that at least 50 per centum of the gross tonnage of such equipment, materials, or commodities (computed separately for dry bulk carriers, dry cargo liners, and tankers), which may be transported on privately owned United States-flag commercial vessels, to the extent such vessels are available at fair and reasonable rates for United States-flag commercial vessels, in such manner as will insure a fair and reasonable participation of United States-flag commercial vessels in such cargoes by geographic areas:

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- (b) Pursuant to regulations published by the Secretary of Commerce at 46 C.F.R. Part 381, the Grantee agrees to insert the following clauses in all contracts let by the Grantee or any subgrantee under which equipment, materials or commodities may be transported by ocean vessels in carrying out the Project:

The contractor agrees --

(1) To utilize privately owned United States-flag commercial vessels to ship at least 80 percent of the gross tonnage (computed separately for dry bulk carriers, dry cargo liners, and tankers) involved, whenever shipping any equipment, materials, or commodities pursuant to this section, to the extent such vessels are available at fair and reasonable rates for United States-flag commercial vessels.

(2) To furnish within 30 days following the date of loading for shipments originating within the United States, or within 30 working days following the date of loading for shipment originating outside the United States, a legible copy of a rated, "on-board" commercial ocean bill-of-lading in English for each shipment of cargo described in paragraph (1) above to the Grantee (through the prime contractor in the case of subcontractor bills-of-lading) and to the Division of National Cargo, Office of Market Development, Maritime Administration, Washington, D.C. 20235, marked with appropriate identification of the Project.

(3) To insert the substance of the provisions of this clause in all subcontracts issued pursuant to this contract.

Section 112. Buy America.

Pursuant to Section 401 of the Surface Transportation Assistance Act of 1978, P.L. 95-599, Nov. 6, 1978, and regulations published at 49 C.F.R. Part 660, the Grantee agrees that if the total cost of this Project or any amendment thereto exceeds \$500,000, and if funds therefor are obligated by the Government after November 6, 1978, the Grantee shall require with respect to any third party contract thereunder that exceeds \$500,000 that only such unmanufactured articles, materials, and supplies as have been mined or produced in the United States, and only such manufactured articles, materials, and supplies as have been manufactured in the United States substantially all from articles, materials, and supplies mined, produced, or manufactured, as the case may be, in the United States, will be used in such Project, unless a waiver of these provisions is granted.

Upon written request to the Secretary, the Grantee may request a waiver of the above provisions. Such waiver may be granted if the Secretary determines:

- (1) their application would be inconsistent with the public interest;
- (2) in the case of acquisition of rolling stock, their application would result in unreasonable cost (after granting appropriate price adjustments to domestic products based on that portion of Project cost likely to be returned to the United States and to the States in the form of tax revenues);
- (3) supplies of the class or kind to be used in the manufacture of articles, materials, supplies are not mined, produced, or manufactured in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or
- (4) that inclusion of domestic material will increase the cost of the overall Project contract by more than 10 per centum.

Section 113. Compliance with Elderly and Handicapped Regulations.

The Grantee shall insure that all fixed facility construction or alteration and all new equipment included in the Project will comply with applicable regulations regarding Transportation for Elderly and Handicapped Persons, set forth at 49 C.F.R. Part 27.

Section 114. Privacy.

Should the Grantee or any Subgrantee or any Recipient or any of their third party contractors or any employees thereof administer any system of records on behalf of the Government, the following terms and conditions are applicable.

(a) The Grantee agrees:

- (1) to comply with the Privacy Act of 1974, 5 U.S.C. § 552a (the Act), and the rules and regulations issued pursuant to the Act when performance under the contract involves the design, development, or operation of any system of records on individuals to be operated by the Grantee, Subgrantee, its contractors or employees to accomplish a Government function;
- (2) to notify the Government when the Grantee anticipates operating a system of records on behalf of the Government in order to accomplish the requirements of this Grant Agreement, if such system contains information about individuals which

will be retrieved by the individual's name or other identifier assigned to the individual. A system of records subject to the Act may not be employed in the performance of this Grant Agreement until the necessary approval and publication requirements applicable to the system have been carried out. The Grantee agrees to correct, maintain, disseminate, and use such records in accordance with the requirements of the Act, and to comply with all applicable requirements of the Act;

(3) to include the Privacy Act Notification contained in this Grant Agreement in every third party contract solicitation and in every third party contract when the performance of work under the proposed third party contract may involve the design, development, or operation of a system of records on individuals that is to be operated under the contract to accomplish a Government function; and

(4) to include this clause, including this paragraph, in all third party contracts under which work for this Grant Agreement or which may involve the design, development, or operation of such a system of records on behalf of the Government.

(b) For purposes of the Privacy Act, when the Grant Agreement involves the operation of a system of records on individuals to accomplish a Government function, the Grantee, third party contractor and any of their employees is considered to be an employee of the Government with respect to the Government function and the requirements of the Act, including the civil and criminal penalties for violation of the Act, are applicable except that the criminal penalties shall not apply with regard to contracts effective prior to September 27, 1975. In addition, failure to comply with the provisions of the Act or of this clause will make this Agreement subject to termination.

(c) The terms used in this clause have the following meanings:

(1) "Operation of a system of records" means performance of any of the activities associated with maintaining the system of records on behalf of the Government including the collection, use and dissemination of records.

(2) "Record" means any item, collection, or grouping of information about an individual that is maintained by the Grantee on behalf of the Government, including, but not limited to, his education, financial transactions, medical

history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print, or a photograph.

(3) "System of records" on individuals means a group of any records under the control of the Grantee on behalf of the Government from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.

Section 115. Miscellaneous.

- (a) Bonus or Commission. The Grantee warrants that it has not paid, and also agrees not to pay, any bonus or commission for the purpose of obtaining an approval of its application for the financial assistance hereunder.
- (b) State or Territorial Law. Anything in the Grant Agreement to the contrary notwithstanding, nothing in the Grant Agreement shall require the Grantee to observe or enforce compliance with any provision thereof, perform any other act or do any other thing in contravention of any applicable State or territorial law: Provided, That if any of the provisions of the Grant Agreement violate any applicable State or territorial law, or if compliance with the provisions of the Grant Agreement would require the Grantee to violate any applicable State or territorial law, the Grantee will at once notify DOT in writing in order that appropriate changes and modifications may be made by DOT and the Grantee to the end that the Grantee may proceed as soon as possible with the Project.
- (c) Severability. If any provision of this Grant Agreement is held invalid, the remainder of this Grant Agreement shall not be affected thereby; if such remainder would then continue to conform to the terms and requirements of applicable law.

DEPARTMENT OF TRANSPORTATION
URBAN MASS TRANSPORTATION ADMINISTRATION
GRANT AGREEMENT FOR SECTION 16(b)(2)

PART II -- TERMS AND CONDITIONS

Constituting part of the GRANT AGREEMENT providing for federal financial assistance under the provisions of the Urban Mass Transportation Act of 1964, as amended.

Section 101. Definitions. As used in this Agreement:

"Application" means the signed and dated proposal for federal financial assistance for the Project, together with all explanatory, supporting, and supplementary documents heretofore filed with UMTA by or on behalf of the Grantee, which has been accepted and approved by UMTA.

"Approval, Authorization, Concurrence, Waiver" means a conscious, written act by an authorized official of the Government granting permission to the Grantee to perform an act pursuant to this Grant Agreement which could not be performed without such permission. An approval, authorization, concurrence, or waiver permitting the performance of a specific act shall not constitute permission to perform similar acts unless such broad permission is clearly stated. Oral permission or interpretations shall have no legal force or effect.

"Government" means the United States of America, or its cognizant Agency, the Department of Transportation (DOT) or its Agency, the Urban Mass Transportation Administration (UMTA) used hereafter interchangeably.

"Grantee" means any entity that receives federal financial assistance from UMTA for the accomplishment of the Project. The term "Grantee" includes any entity or organization to which federal funds have been passed through for the accomplishment of the Project.

"Guidelines" mean the most recently dated document which sets forth procedures designed to assist the Grantee in performing the obligations imposed by the Grant.

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APPENDIX 4

PREPARATION AND ASSEMBLY OF UMTA
APPROVAL/PRESS RELEASE PACKAGES FOR SECTION 8
TECHNICAL STUDIES PROJECTS

Appendix 4
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SECTION I

COMPONENTS OF APPROVAL PACKAGES
SECTION 8Preparation/Typing

- (1) Approval Memo. The approval memo is to be typed on standard white memo paper, plus one concurrence yellow (Exhibit A). Be sure to correctly determine who will be approving the grant, based on the delegation of authority guidelines contained in UMTA Order 1100.18B, "Delegations of Authority for Regional Directors".
- (2) Award Letter to the Grantee. The award letter is typed on regional office letterhead stationery, plus one concurrence yellow. Copies of the sample format for original and amended grants may be found in Exhibit B. The signature block will always be that of the Regional Administrator.
- (3) Regional Planning Justification. The justification is typed on standard white memo paper. The signature block should be that of the preparing official. The memo should be addressed based on the final approval authority. The regional justification is a narrative document which describes the applicant's planning process, the purpose for which Federal funds are requested, etc. A sample regional justification memo is in Exhibit C.
- (4) Project Budget. The Project Budget includes the approved tasks and budgeted amounts of UMTA funds from the UPWP, the statewide work program, or individual study work program as appropriate. A sample project budget is shown in Exhibit D.
- (5) Cash Disbursement Schedule. A quarterly schedule of expected cash disbursements. A sample Cash Disbursement Schedule is shown in Exhibit D.
- (6) Proposed Award of Contract or Grant (Form UMTA F-101). Prepared one for each approval (see Appendix 1, Exhibit D).
- (7) Grant Contract Form, "Instructions for Executing Contracts." One form should be included with each approval (see Exhibit E and UMTA C 8100.1).
- (8) Routing Slip. Type the grantee's name (plus affected UZA if different from grantee) and project number, plus the action

officer's name. Be sure to use the correct routing slip for the size the category of the grant (Exhibit F of Section II).

- (9) Grant Agreement. See Exhibit G for Part I of Grant Agreement (UMTA F 2003).

SECTION II

(See Section I for definition of various forms and documents)

- A. Assembly and Placement. Each regional approval package should contain the following typed documents. Placement within the folder is subject to the desires of the Regional Director, but a suggested assembly procedure follows.
1. The routing slip (designed by each regional office, according to desired internal routing) is stapled to the outer cover of the package folder.
 2. Inside, on the left, place:
 - (a) The original Approval Memo, with all referenced material
 - (b) The original Regional Planning Justification Memo
 - (c) The Original Project Budget
 3. Inside, on the right, place:
 - (a) The Award Letter
 - (b) Two copies of the Budget (to be mailed to the grantee)
 - (c) Yellow copy of Approval letter attached to original Part I of the Contract
 - (d) Four copies of Part I and Part II of the Grant contract with "Instructions for Executing Agreements" attached to first copy
 - (e) SF-424
 4. Prepare for sending to UPA (press release package)
 - (a) Two copies of Approval Memo.
 - (b) Two copies of Justification Memo
 - (c) Two copies of UMTA F 101 "Proposed Award of Contract or Grant"

JAN 1 1981

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JAN 1 1981

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Section III

EXHIBITS

APPROVAL: Urban Mass Transportation Grant
for Technical Study, Project No.

1. Applicant name- _____
2. Summary of Project Budget: The applicant has requested an 80 percent UMTA grant in the maximum amount of _____ . The local share will be provided by _____ (List Local Share Contributor(s) e.g., State, applicant, etc.) _____

UMTA Grant	\$
Local Contribution	\$

Total Project Cost	\$

3. Project Description: This project is based on the unified planning work program for the _____ metro-politan area. The attached memorandum provides the justification for funding this project.
4. Status of Comprehensive and Transportation Planning: This planning grant is included in a program for a unified or officially coordinated urban transportation system as part of the comprehensively planned development of the urban area. This Planning Certification was approved on (date) and advises that the planning requirements of the technical studies grant program have been satisfied.

The applicant is a public body and the project is eligible for the grant assistance proposed to be extended. There is a sufficient basis on which to make all of the findings and determination required by the Urban Transportation Act of 1964, as amended.

Chief, Office of Planning Assistance

Date

5. Civil Rights Review - The Office of Civil Rights has approved this project. (Attach memo if region has no civil rights officer.)

Civil Rights Officer

Date

6. Funds in the amount of \$ _____ have been prevalidated for this project from FY 1979 resources.

GCA

Date

7. Recommendation - I recommend approval of this project for a grant in the maximum amount of \$ _____ which represents 80 percent of the eligible project cost.

(Program Official)

Date

If funding is 100% it should be noted that the grant is of national significance.

APPROVED:

REGIONAL ADMINISTRATOR, REGION _____

DATE

Program Code: _____

State A-95 no: _____

JAN 19 1981

Re: Grant Approval
Project No. _____

I am pleased to advise you that your application for a technical studies grant under Section 8 of the Urban Mass Transportation Act of 1964, as amended, has been approved in the maximum amount of _____.

The studies funded under this grant, in refining and building upon earlier transportation planning in the region, are an integral part of the continuing planning process as reflected in the unified planning work program metropolitan area.

Insert any Terms and Conditions as Applicable

We are enclosing two copies of the budget categories and four counterparts of an Offer of Contractual Assistance. Although your funding request has been approved and costs can be incurred as of the effective date, payment cannot occur until the contract is executed.

If you have any questions on these important materials, please call _____, at (phone number).

We look forward to working with you on this worthwhile project.

Sincerely,

Regional Administrator

DELEGATION DATE: _____

Enclosures

Project Description and Evaluation for
Technical Study Grant Project No.
NE-09-0012, Omaha-Council
Bluffs Metropolitan Planning Agency

Transportation Planner/Representative
Region VII

Regional Administrator
Region VII

BACKGROUND

The Omaha-Council Bluffs Metropolitan Area Planning Agency (MAPA), is the agency responsible for comprehensive, transportation, and transit planning, vested with the A-95 review responsibility and the recipient of one-half percent and Section 8 planning funds. The jurisdiction of this agency includes Douglas and Sarpy Counties, Nebraska and Pottawattamie County, Iowa. It was established under Iowa and Nebraska enabling legislation.

Transit service in the Omaha area is provided by the Metro Area Transit (MAT), a public body formed pursuant to state statute in 1972, to replace the privately owned Omaha Transit Company and City Transit Lines. The Omaha Transit Company and the City Transit Lines were terminated due to a spiraling decline of revenue and service that followed the nationwide trend of declining transit use after World War II.

In recognition of the need for a healthy transit system, the City of Omaha committed itself to the development and maintenance of a modern bus system. The city made application and received the approval of the Urban Mass Transportation Administration May 25, 1973, for a two-thirds grant (NE-03-0002) to assist in the purchase of the assets of the Omaha Transit Company, a fleet of modern buses and other equipment.

This grant will provide additional funding support for the continuing transportation planning program in the Omaha Metropolitan Area. Over the past year MAPA has continued working on the major review and update of the 1980 Transportation Systems Management Plan for the region, and in conjunction with MAT, initiated a special transit study concerning the needs of the elderly and handicapped and an evaluation of service improvement alternatives to satisfy these needs.

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Scope of Work

The region's FY '80 Unified Work Program, which this new grant will support, reviews, refines, and extends, recurring long and short-range transit and transportation phases of the continuing transportation planning process. The specific UMTA-supported items are divided into the following major categories:

1. Transportation Planning Program Administration, Program Development, Review and Assistance-Including providing transportation information, developing the annual Unified Work Program, coordinating transportation planning in the region and providing for other support activities necessary in carrying out the program.
2. Planning Coordination-Including the provision of formal agency review and comment on planning and development activities requiring such review by Federal, state, or local law or policy.
3. Citizen communication and participation-Including providing and supporting a forum for citizen participation in the functional planning areas of MAPA, presenting and explaining plans, programs, and procedures of the MAPA planning process to public and private agencies, hold public hearings and meetings on proposed regional plans and develop newsletters and news releases and other public information materials as appropriate.
4. Elderly and Handicapped Transportation Planning-Including refining the results of the FY 79 E & H study to provide detailed operational information regarding bus modifications, door-to-door operations, and providing coordination of specialized transportation services with other agencies to better serve the transportation needs of the E & H.
5. Transportation Improvement Program - Including the tabulation of projects from state and local capital improvement programs into an annual element and staged multi-year program of transportation projects, determination of the consistency of the projects with the long-range plan and TSM plan, coordination of joint projects with different costs and program stages, and the development of cost and revenue summaries for the annual element and five-year element.

6. Transportation Systems Management Planning-Including analyzing in conjunction with state and local agencies the existing highway and transit network, identifying problem areas and suggesting alternative improvements through the identification of traffic engineering, public transportation, regulatory pricing management, operational and other improvements.
7. Long-Range Transportation Planning-Including the continuation of the major review process to develop the COATS 2000 Transportation Plan through the development, testing and evaluation of alternative highway and transit systems.
8. Transportation Data Development and Surveillance-Including street and highway inventories, traffic counting program, financial resource data, transit capital facilities and equipment, transit usage and trip characteristics, transit service characteristics, and transit operating and cost data.
9. Regional Information Services-Including monitoring, coordination and further centralizing data and information pertaining to MAPA region through correcting and updating the Geographic Base File, coordinating the review and update of statistical areas for the 1980 census, computing population estimates for member counties and municipalities and preparing and disseminating statistical reports and updates to the regional information and data director.

COMMENTS

The officials committee, the policy committee for transportation planning, will provide the overall policy and review of these transportation planning activities and carry results and recommendations to the MAPA council of officials for its action. The Technical Advisory Committee on Transportation, composed of planning professionals from other local agencies, will review the technical aspects of this program. Both of these committees serve to coordinate MAPA's efforts with those of independent agencies in the region. In addition, a Citizens Advisory Board has been established as a means of security wide and meaningful citizen participation during the course of the study.

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The staff of MAPA will be responsible for coordinating and monitoring the work of other participating agencies in addition to providing technical input during the course of the study.

The transit planning activities described under this study will enable MAPA to significantly increase the transit element of transportation planning in the Omaha area.

Charles L. Donald

MAY 19 1981

INSTRUCTIONS FOR EXECUTING AGREEMENTS

Attached are four (4) copies of a Grant Agreement which have been signed on behalf of the Urban Mass Transportation Administration.

The person officially authorized by the Grantee to accept the Government's award of financial assistance should execute the Grant Agreements. This execution should be witnessed.

The attorney's certification should specify the date the Grantee authorized the execution of the Government's award. That will be the date of the resolution, ordinance, board minutes, delegation order or other "official action," not the date of execution of the Grant Agreement (unless the execution took place on the same day it was authorized).

Please return two complete copies of the executed Grant Agreements to:

Regional Counsel
Urban Mass Transportation Administration
Suite/Room
Address
City, State, Zip Code

Please also send with the Grant Agreements two certified copies of the document which authorizes execution of the award. If the execution was authorized by statute and further delegated, please be sure to cite the statute and send a copy of the delegation of authority to execute to the above address.

In the event the Grant Agreements cannot be returned within the ninety (90)-day period, please notify the Regional Counsel immediately in writing setting forth the reason for delay and requesting an extension.

JAN 1981

PROJECT NO: _____

APPLICANT: _____

ROUTE SLIP: APPROVAL PACKAGE ROUTING (FOR HQS APPROVALS ONLY)*

NAME	ROUTE SYMBOL	DATE RECEIVED	DATE OF ACTION
Regional Administrator	_____	_____	_____
UPM Program Specialist	_____	_____	_____
UPM Reviewing Official	_____	_____	_____
Associate Administrator	_____	_____	_____
Executive Secretariat*	_____	_____	_____
Administrator*	_____	_____	_____
UPM Program Specialist *If UOA-1 is Signatory	_____	_____	_____

Checklist

Planning Review	_____	Legal Eligibility	_____
Planning Evaluation	_____	Application	_____
Unified Plng. Work Program	_____	Local Share Commit.	_____
UCR Clearance on UWP	_____	SF-424	_____
State A-95 Review	_____	Complete Package	_____

*(Regional Offices may design a similar format for their own internal use.)

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UTA Clearance on UWP
for Major Areas

Fund Reservation/
Prevalidation
Advance Copy to
UPA

date

Release Procedures
Initiated

date

COMMENTS:

IAN 19 1981

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
URBAN MASS TRANSPORTATION ADMINISTRATION

NOTIFICATION OF GRANT APPROVAL
49 U.S.C. § 1607
(SECTION 8 - TECHNICAL STUDIES)

Project No.

GRANTEE:

ESTIMATED TOTAL PROJECT COST:

MAXIMUM FEDERAL SHARE:

OBLIGATION DATE:

SOURCES OF FEDERAL FINANCIAL ASSISTANCE

PROJECT DESCRIPTION:

DATE

REGIONAL DIRECTOR

JAN 19 1981

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
URBAN MASS TRANSPORTATION ADMINISTRATION
GRANT
49 U.S.C. § 1607

(Section 8)

PART I

THIS GRANT, effective on the date specified in the Notification of Grant Approval is entered into by and between the United States of America ("Government") and the Grantee named in the Notification of Grant Approval.

In consideration of the mutual covenants, promises, and representations herein, the parties hereto agree as follows:

Sec. 1. Purpose of Grant - The purpose of this Grant is to provide for the undertaking of an urban mass transportation technical study project ("Project"), with Government financial assistance to the Grantee in the form of a technical study grant ("Grant"), under Section 8 of the Urban Mass Transportation Act of 1964, as amended, ("Act") to state the terms and conditions upon which such assistance will be provided and the understandings as to the manner in which the Project will be undertaken and completed.

Sec. 2. The Project - The Grantee agrees to undertake, carry out, and complete the technical study comprising the Project substantially as described in its Application incorporated herein by reference, filed with and approved by the Government, and in accordance with the terms and conditions of this Grant. The "Project Description" in the Notification of Grant Approval describes the Project to be funded under this Grant.

Sec. 3. The Grant - In order to assist the Grantee in financing the cost of the Project, which cost is estimated to be that amount stated in the Notification of Grant Approval, the Government will make a Grant in an amount equal to eighty percent (80%) of the actual cost of the Project as determined by the Department of Transportation upon completion of the project or in the amount specified as Maximum Federal Share in the Notification of Grant Approval, whichever is the lesser.

The obligation of the Government to make Federal Grant payments in any fiscal year shall not exceed the amount provided in the Project Budget for the fiscal year in which requisitions therefor are submitted or drawdowns under letter of credit are made.

JAN 19 1981

The Grantee does hereby ratify and adopt all statements, representations, warranties, covenants, and materials submitted by it, and does hereby accept the Government's award of financial assistance and agrees to all of the terms and conditions of this Grant.

Executed this _____ day of _____, 19_____

ATTEST _____ BY _____

TITLE AND ORGANIZATION

TITLE AND ORGANIZATION

Certificate of Grantee's Attorney

I, _____, acting as Attorney for the Grantee do hereby certify that I have examined this Grant and have ascertained that execution of the Grant was authorized on the date of _____. A copy of this authorization is attached or has previously been submitted to UMTA. The execution of this Grant and the proceedings taken by the Grantee are in all respects due and proper and in accordance with applicable State and local law. I further certify that, in my opinion, said Grant constitutes a legal and binding obligation of the Grantee in accordance with the terms thereof and certify that to the best of my knowledge there is no legislation or litigation pending or threatened which might affect the performance of the Project in accordance with the terms of this Grant.

Dated this _____ day of _____, 19_____.

SIGNATURE

TITLE AND ORGANIZATION

APPENDIX 5
RELEASE PROCESS

Grant Program	Final Approval Authority	The Award Is	Regional Office Action	HQS Project Office Action	UPA Action
05 capital	HQS	Over 1M population	Send 2 unsigned copies of approval memo and UMTA 101 to HQS inside the approval package.	<ol style="list-style-type: none">1) Separate press release materials from approval package and forward to UPA.2) Telephone UPA for notification of signature action by HQS official.	<ol style="list-style-type: none">1) Send advance congressional information form to I-30. (I-30 takes it to I-10).2) I-10 notifies UPA of official release.3) Enter release date into CRT.

Grant Program	Final Approval Authority	The Award Is	Regional Office Action	HQS Project Office Action	UPA Action
05 operating	Regional Administrator		<p>1) Forward to UPA advance copy of unsigned approval letter, approval memo, and UMTA 101.</p> <p>2) Telephone UPA after Regional Administrator signs the approval memo.</p>	NO INVOLVEMENT	<p><u>\$1 Million or over</u></p> <p>1) Send congressional information form (or press release) to I-30 after regional office notifies of approval (I-30 takes it to I-10).</p> <p>2) I-10 will notify UPA of official release date.</p> <p>3) Enter release date in CRT.</p> <p><u>Under \$1 Million</u></p> <p>1) Send congressional information form to I-10 (send information copy to I-30.)</p> <p>2) Repeat steps 2 and 3 above.</p>

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Appendix 5
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Grant Program	Final Approval Authority	The Award Is	Regional Office Action	HQS Project Office Action	UPA Action
05 operating	HQS	Over 1 million population and over \$100,000.	Send 2 unsigned copies of the approval memo and UMTA form 101 inside the approval package.	<ol style="list-style-type: none"> 1) Separate press release materials from approval package and forward to UPA. 2) After approval memo is signed telephone UPA for notification of signature action by HQS official. 	<p><u>\$1 Million or over</u></p> <ol style="list-style-type: none"> 1) Send congressional information form (or news release) to I-30 after HQS office notifies of approval (I-30 takes it to I-10). 2) I-10 notifies UPA of official release date. 3) Enter release date into CRT. <p><u>Under \$1 Million</u></p> <ol style="list-style-type: none"> 1) Send congressional information form to I-10 (send information copy to I-30. 2) Repeat steps 2 and 3 above.

Grant Program	Final Approval Authority	The Award Is	Regional Office Action	HQS Project Office Action	UPA Action
03 08 Title 23	HQS		Send 2 unsigned copies of the approval letter, approval memo, and UMTA 101 to HQS inside the approval package.	<ol style="list-style-type: none"> 1) Separate press materials from approval package and forward to UPA. 2) Notify UPA of signature action by HQS official. 3) For major Section 3 projects requiring an alternative analysis, new technology, or RD&D projects which exceed 100,000, hand-carry approval package to M-60 after the approval memo is signed. 	<ol style="list-style-type: none"> 1) Send congressional information form (or news release) to I-30 (I-30 takes it to I-10). 2) I-10 notifies UPA of official release. 3) Enter release date into CRT.
		\$5 million			

Grant Program	Final Approval Authority	The Award Is	Regional Office Action	HQS Project Office Action	UPA Action
03 09	HQS	1 million pop. or over but less than \$100,000.	Send 2 unsigned copies of the approval letter, approval memo, and UMTA form 101 to HQS inside the approval package.	1) Separate press release materials from the approval package and forward to UPA. 2) Telephone UPA for notification of signature action by HQS official.	1) Send congressional information form to I-10 (send information copy to I-30). 2) I-10 notifies UPA of official release date. 3) Enter release date into CRT.



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Grant Program	Final Approval Authority	The Award Is	Regional Office Action	HQS Project Office Action	UPA Action
09 03 05 capital	Regional Administrator		1) Forward to UPA 2 advance copies of unsigned approval memo, and HMTA 101.	NO INVOLVEMENT	<u>Over \$100,000</u> 1) Send congressional information form (or news release) to I-30 after regional office notifies of approval (I-30 takes it to I-10.
Title 23 16 (b)(2) 17			2) Telephone UPA after Regional Administrator signs the approval memo.		2) I-10 will notify UPA of official release date. 3) Enter release date into CRT.
					<u>Under \$100,000</u> 1) Send congressional information form to I-10 (send information copy to I-30). 2) Repeat steps 2 and 3 above.